

# SB2881

Measure Title: RELATING TO CHARTER SCHOOLS.

Report Title: Charter Schools; Workers' Compensation

Description: Requires charter schools to administer and pay charter schools workers' compensation claims, and secure necessary funding to support payment for charter schools workers' compensation liabilities under one of the several options allowed by the Hawaii workers' compensation law, including self-insurance. Effective July 1, 2016.

Companion: [HB2352](#)

Package: Governor

Current Referral: EDU/JDL, WAM

Introducer(s): KOUCHI (Introduced by request of another party)

DAVID Y. IGE  
GOVERNOR



JAMES K. NISHIMOTO  
DIRECTOR

CINDY S. INOUE  
DEPUTY DIRECTOR

**STATE OF HAWAII**  
**DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT**  
235 S. BERETANIA STREET  
HONOLULU, HAWAII 96813-2437

February 9, 2016

**TESTIMONY TO THE  
SENATE COMMITTEES ON EDUCATION &  
JUDICIARY AND LABOR**

For Hearing on Friday, February 12, 2016  
1:15 p.m., Conference Room 229

BY

JAMES K. NISHIMOTO  
DIRECTOR

**Senate Bill No. 2881**  
**Relating to Charter Schools**

TO CHAIRPERSONS MICHELLE KIDANI AND GILBERT KEITH-AGARAN AND  
MEMBERS OF THE COMMITTEES:

The purposes of S.B. 2881 are to allow charter schools to administer and pay charter schools workers' compensation claims; and secure necessary funding to support payment for charter schools workers' compensation liabilities under one of the several options allowed by the Hawaii workers' compensation law, including self-insurance.

The Department of Human Resources Development ("DHRD") has a fiduciary duty to administer the State's self-insured workers' compensation program and its expenditure of public funds. DHRD **SUPPORTS** this bill.

It is DHRD's understanding that charter schools workers' compensation claims were historically administered by the Department of Education ("DOE") pursuant to a memorandum of agreement/understanding until the passage of Act 87 (2005), whereby DHRD was statutorily mandated to administer and pay for the charter schools workers' compensation claims. This has resulted in an awkward and unnatural arrangement whereby while charter schools workers are State employees, they are not within the

scope or jurisdiction of the personnel system administered by DHRD. Furthermore, given their common mission in public education, it is the Department of Education rather than DHRD which has a more natural affinity for the charter schools and a greater ability to understand and appreciate the operations, administration, and management of a school.

The administrative and organizational disconnect between DHRD and the charter schools has a very real impact on DHRD's ability to appropriately manage the latter's workers' compensation claims in the effort to strive towards containing claims costs. Because of the individual charter schools' independence, the costs associated with administering charter schools workers compensation claims are frequently higher. For example, there are limited return to work opportunities at each school, resulting in situations where charter schools claimants can remain on temporary total disability for a longer period of time. In addition, if charter school employees are permanently unable to return to their original employment at their original school, the Hawaii workers' compensation law entitles them to very costly private vocational rehabilitation, to include possible retraining, in order to find suitable gainful employment with another employer.

All workers' compensation liabilities for the charter schools—excluding temporary disability wage loss benefits for current employees—are paid out of the HRD 102 operating funds appropriation for which appropriated funds are insufficient. Even temporary wage loss disability costs are shifted over to be paid from HRD 102 once a charter school employee is terminated so they can pursue private vocational rehabilitation. All of these charter schools liabilities impose an additional financial burden on HRD 102 for which no adjusted funding is provided. It should be noted that future costs associated with administering charter schools workers' compensation claims will very likely be increasing because of two recent decisions from the Hawaii Supreme Court: 1) Pulawa v. Oahu Construction Co., Ltd., No. SCWC-11-0001019 (Hawai'i, 2015), which changed the standard for medical treatment from "reasonable and necessary" to "reasonably needed"; and 2) Panoke v. Reef Development of Hawaii, Inc., No. SCWC-11-0000556 (Hawai'i, 2015), which vacated lower rulings by the Department of Labor and Intermediate Court of Appeals that a claimant's longstanding,

pre-existing, and degenerative condition was not work-related.

DHRD appreciates the fact that the proposed legislation would make individual charter schools responsible, as is the case for other employers, for administering their own workers' compensation claims. However, this bill maximizes their management flexibility by providing them with the full array of options under the Hawaii workers' compensation law to secure payment for their liabilities and foster the individual schools' ability to become more autonomous and independent and better able to manage their own affairs.

Thank you for the opportunity to testify in **support** of S.B. 2881.

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

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FOR: **SB 2881** Relating to Public Charter Schools  
DATE: Friday, February 12, 2016  
TIME: 1:15 PM  
COMMITTEE(S): Senate Committee on Education and  
Senate Committee on Judiciary and Labor  
ROOM: Conference Room 229  
FROM: Tom Hutton, Executive Director  
State Public Charter School Commission

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**Testimony opposition to SB 2881**

Chairs Kidani and Keith-Agaran, Vice Chairs Harimoto and Shimabukuro, and members of the Committee:

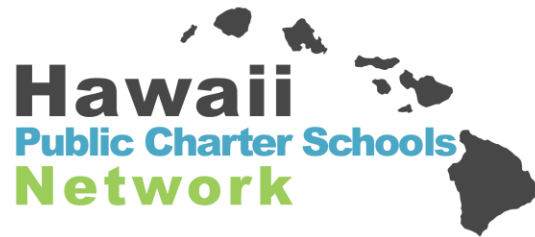
Thank you for this opportunity to submit this testimony expressing serious concerns about this proposed measure.

First, while the bill provides the background for the Department’s concerns, the Commission had not been apprised nor given an opportunity to address these issues prior to the introduction of this bill.

Second, the bill would impose a heavy financial and operational burden on our charter schools, which are already struggling to maintain their schools, facilities, and programs. Given the current level of funding, it would be financially impossible for our charter schools, especially our smaller schools, to administer and pay their claims or become self-insured, and their organizational capacity to administer claims is highly doubtful. Nor is this an appropriate role for a charter school authorizer.

We ask that these Committees defer this bill and at least allow the Commission and our charter schools to assist the Department in exploring options in addressing these concerns.

Thank you for the opportunity to provide this testimony.



February 12, 2016

To: Honorable Michelle Kidani, Chair  
Honorable Breene Harimoto, Vice Chair  
Senate Committee on Education

Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair  
Senate Committee on Judiciary and Labor

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

**Re: SB 2881- RELATING TO PUBLIC SCHOOLS - OPPOSE  
Conference Room 229 - Hawaii State Capitol - Feb. 12, 2016, 1:15 P.M.**

On behalf of the Hawaii Public Charter School Network (HPCSN), we are writing to oppose SB 2881- Relating to Public Schools .

SB 2881 would unfairly and unwittingly single out workers' compensation claims for charter schools in a move to write off underfunded state liabilities to support payment for charter schools workers' compensation claims and require public charter schools to secure and administer their workers' compensation coverage and claims. If the Charter School Commission or any charter schools were included in the executive's discussion to shift the cost burden to public charter schools, they may have concluded a different resolution to this Governor's package bill.

SB2881 unfairly singles out charter schools, which are government agencies, in order to free up more of DHRD's resources to pay for other administrative workers' compensation claims. Charter schools simply do not have the expertise nor the human resources to administer workers' compensation claims. Furthermore, charter schools also do not have the financial resources or reserves to pay out on claims against the state. Hawaii's charter schools are also woefully underfunded state entities that must stretch thin very modest per pupil funds to cover curriculum, personnel, facilities and operations costs.

Unfortunately, this approach is like taking a sledgehammer to a gnat to cure the longstanding problem of underfunding programs in our state. Instead of singling out public charter schools, which are micro state government entities, the Department of Human Resources Development should work with the Governor's Office and legislature to increase its appropriation in fees to administer the claims against the state.

To pass this task to individual charter schools unreasonable and irresponsible. Putting the administration of workers' compensation on charters may cause more liability and ultimately increase costs for the state.

HPCSN respectfully urges members of the committees to defer action on this bill. We appreciate the opportunity to provide testimony on behalf of HPCSN.



**WAIMEA MIDDLE SCHOOL**  
**A WASC-Accredited Public Conversion Charter**

67-1229 MAMALAHOA HIGHWAY \* KAMUELA, HAWAII 96743

PHONE: (808) 887-6090 Ext. 222

February 11, 2016

STATE SENATE  
COMMITTEE ON EDUCATION  
Senator Michelle N. Kidani, Chair  
Senator Breene Harimoto, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR  
Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

**Testimony REQUESTING AMENDMENT of S.B. 2881**  
**Relating To Charter Schools**

Aloha Senators Kidani, Harimoto, Keith-Agaran, Shimabukuro and Members of these committees:

On behalf of the 266 students and families and 40 faculty and staff of Waimea Middle School (all of whom are covered by contractual agreements with HSTA, HGEA or UPW), we **strongly oppose S.B. 2881 as introduced, and urge that the bill, if not deferred, be amended to include an exclusion of Hawai'i's public conversion charter schools,** such that page 4/line 7 would be amended to read:

**The charter schools, *excluding Hawai'i public conversion charters*, shall secure payment for their workers' compensation liabilities to their employees pursuant to section 386-121.**

Further, that line 14 on the same page be amended to read: **that is not a public charter school *but excluding public conversion charter schools*,**

Our rationale for urging deferral of this bill is based on several factors, most notably, its seemingly unconstitutional foundation. Workers' compensation is a mandated protection and benefit for all of Hawai'i's public employees that is guaranteed by the State Constitution. Workers' comp protection is therefore a negotiated contractual agreement with respective public employee unions. Funding to fulfill this obligation should be provided by the State Legislature and should not be assigned to public charter schools in a way that infers that we are "third parties" when, in fact, our employees are public employees who warrant and deserve all of the protections and benefits of all public workers.

Also, the public charter schools' are already contributing a percentage fee toward workers' comp expenses, and have therefore made an increased contribution as step salary increases have been authorized. While the state may have experienced an increase in workers' comp expenses across the board, this should not be remedied by reducing per pupil funding to our public charter school children, which would be the unintended consequence of this proposed bill.

More/



**Waimea Middle School – Testimony Opposing S.B. 2881 Or Urging Amendment  
Senate Committees on Education and Judiciary and Labor  
Hearing: 1:15 p.m., Friday, Feb. 12, 2016**


We would further add that the new public charter school law passed by the State Legislature has mandated the public charter school commission to step up oversight of our compliance with all aspects of operating our schools including the health-safety of students and faculty-staff. This accountability is good and desirable for both our children and faculty-staff. The point here is that the safety of our work environment and practices is now persistently and consistently maintained.

There is a further distinction for public conversion charter employees, which is why we urge an amendment if this bill is not deferred. Public conversion charter school facilities are owned and maintained by the State Department of Education with assistance from the State Department of Accounting and General Services. As such, our facilities and day-to-day operation of our schools are in full compliance with DOE and/or DAGS health/safety rules, regulations and requirements and we are subject to routine inspection, drills and other compliance reviews. Therefore, the “health-safety” environment is maintained with the same fidelity as with all other DOE schools and should not be subject to differing methods for ensuring that our public employees health-safety are appropriately protected.

Were this added expense to be authorized by the Legislature, it clearly falls on the shoulders of the individual children in our school. These are public school children. We are the school of our community. There is no other public middle school serving our district or families.

We appreciate your consideration of what’s best for both our children and our teachers and staff.

Mahalo --

  
**Amy Kendziorski**  
Interim Principal

[www.WaimeaMiddleSchool.org](http://www.WaimeaMiddleSchool.org)



# Ho'okāko'o Corporation

THE SENATE  
COMMITTEE ON EDUCATION  
Senator Michelle N. Kidani, Chair  
Senator Breene Harimoto, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR  
Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

## **Testimony In Opposition to S.B. 2881 Relating To Charter Schools.**

Chair Kidani, Chair Keith-Agaran and members, Committees on Education and Judiciary and Labor:

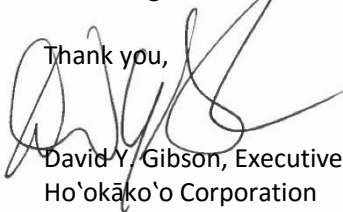
Ho'okako'o Corporation (Ho'okako'o) is in **STRONG OPPOSITION TO S.B. 2881**, which would require charter schools to administer and pay worker's compensation claims. We are in opposition for the following reasons:

1. Charter schools are state agencies providing public education to the children and families of Hawai'i, with public conversion charter schools, such as our schools, also serving as the district public school for the Department of Education. As state agencies, legislation must not single out charter schools to carry the burden and liability inherent in administering and funding worker's compensation programs and claims without the necessary protections and resources afforded other state agencies.
2. Charter schools do not have the capacity or expertise to administer worker's compensation claims.
3. Hawai'i public charter schools receive a fixed per pupil allocation that is secured, administered and distributed by the State Charter School Commission. Given current funding levels, available funding mechanisms, and often unpredictable funding environment charters must navigate, charter schools are unable to afford the additional and potentially long-term costs associated with worker's compensation.
4. Given the limited financial resources available to charter schools, any additional financial liabilities incurred through worker's compensation claims could threaten the future of many charter schools.
5. This bill has the potential to increase the liability of not only the charter schools themselves, but of charter school employees and of the state as a whole.

Ho'okako'o is a non-profit organization and governing board of three public conversion charter schools: Kamaile Academy in Wai'anae, Kualapu'u School on Moloka'i, and Waimea Middle School on Hawai'i Island. Collectively, our schools serve over 1,500 children in Pre-K through 12th grade, 84% of whom are from low-income families, and 61% are of Hawaiian ancestry.

Ho'okako'o strongly OPPOSES S.B. 2881 and respectfully requests that alternative resolutions be explored before burdening charter schools and the charter school system with this mandate.

Thank you,



David Y. Gibson, Executive Director  
Ho'okāko'o Corporation

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**Subject:** Submitted testimony for SB2881 on Feb 12, 2016 13:15PM  
**Date:** Thursday, February 11, 2016 8:57:59 AM

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**SB2881**

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph Uno	Hookakoo Corporation	Oppose	No

Comments: As Public Conversion Charter Schools, Kamaile Academy, Kualapuu Elementary and Waimea Middle School, our employees are all State of Hawaii employees and deserve the same coverage as all other State Employees are entitled to. Further, the additional financial burden will further erode the already spartan budgets we have. I oppose this Bill. Joe Uno, Chair, Hookakoo Corporation

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**Subject:** \*Submitted testimony for SB2881 on Feb 12, 2016 13:15PM\*  
**Date:** Tuesday, February 09, 2016 10:43:43 PM

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**SB2881**

Submitted on: 2/9/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel L. Kailianu	Ho`omana Pono, LLC	Support	Yes

Comments:

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**Subject:** Submitted testimony for SB2881 on Feb 12, 2016 13:15PM  
**Date:** Wednesday, February 10, 2016 9:04:42 AM

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**SB2881**

Submitted on: 2/10/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Steve Hirakami	HAASPCS	Oppose	No

Comments: Charter Schools simply do not have the expertise nor resources to administer workers' compensation claims. Charter Schools also do not have the resources or reserves to pay out on claims against the State. We do agree that the Department of Human Resources Development should receive more than the .07% fees to administer the claims against the State. That fee currently equals to about \$50K per year and may be the reason that DHRD does not feel adequately compensated. Before Act 87, the Department of Education processed the claims of charter schools. Since charters are still administratively attached to the Department this might be what DHRD is hinting at. But, to pass this task to individual charter schools is not reasonable or responsible. This needs more discussion between DHRD, the charter Commission, the DOE, and the governor's office. Putting the administration of workers' compensation on charters may cause more liability for the State.

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# HAWAI'I EDUCATIONAL POLICY CENTER

## Testimony

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February 12, 2016 1:15 pm Room 229  
Senate Committees on Education, Judiciary & Labor

### RE: SB 2881 RELATING TO CHARTER SCHOOLS

HEPC Cannot understand the basis of this proposal, as it does not conform to the way in which workers compensation claims are made in education, and does not reflect the reality of appropriations to public charter schools. HEPC does not understand why the Ige Administration favors such an approach. Specifically:

- 1. SB 2881 Targets the 10,000 public school students in charters.** We do not jeopardize the instructional and educational integrity of individual department schools by reducing their student weighted formula funds or any other funds essential for the education of their students; this bill proposes to do just that to charters.
- 2. SB 2881 ignores the simple solution, an appropriation.** Section 1 of SB 2881 says “there is no statutory authority under which the department of human resources development can be reimbursed to replenish HRD 102 for payments made for charter schools workers’ compensation claims expenses.” It would be reasonable to expect that the administration would come up with an appropriation request that does not target the employees of charter schools. This bill suggests that the very employment context of a charter employee may be jeopardized should she file a legitimate workers compensation claim. The charter school may be forced to reduce any number of educational strategies to pay for it, and this could include hiring fewer employees.
- 3. SB 2881 reflects a persistent myth that charters are not public schools and charter employees are not public employees.** Within the last year, the State Department of Transportation opposed spending funds to reduce traffic hazards near a charter school was opposed because a charter school, in their view, was a private entity. It is an unfortunate replay of an earlier declaration of a DOE District Superintendent who believed that charter employees did not deserve workers compensation. I had thought we were beyond those days of open discrimination.
- 4. DHRD apparently has little appreciation for the financial situation of charter schools.** See Appendix A.

In summary, HEPC does not see the rationale for SB 2881’s misunderstanding of charters and its approach to solve its own budgetary issues.

## APPENDIX A Charter Finances For FY 2013-14

Charter Schools represented 11% of all public schools (33 of 288)

Charter Schools represented 5% of all FY 13-14 public school enrollments (9,797 of 185,273)

### State General Funding

In FY 2013-14 Charter schools received 4.5% of all general funds appropriated to Hawaii public schools – adjusting for removing fringes. Of the 2,263,000,000 of general funds appropriated to public education in FY 2013-14, \$69,325,807 was appropriated for charters in EDN 600.

However, to be fair, since charters do not pay employee fringes, it is necessary to subtract all fringes from the total.

The HIDEOE financial audit indicated that of the \$2.2 billion, approximately 23% were for fringe benefits, or \$520,490,000. The Total General Fund allocation minus fringes = \$1,742,510,000. Using these numbers, the charter general fund allocation represented 4.5%. The half percent difference represents approximately \$8.7 million. Therefore, a more equitable total of 5% would have been \$69 million plus \$8.7 million, or \$77.7 million.

### Federal Education Funding

Charter schools received 1.8% of the \$289 million in Federal funds available to all public schools in 2013-14. Charters received \$5,200,765. The difference between 5% and 1.8% of over 3% represents approximately \$9 million. A more equitable 5% of federal funds would have totaled approximately \$14 million, not \$5.2 million.

Sources: DOE Financial Report 2013-14 p.5 Charter School Commission 2015 Report p.98

Referring to the CAFR on p. 14 Consolidated Annual Financial Report of Expenditures, FY 2013-14 Federal Funds (not including exclusions, i.e. Adult Education)

TOTAL \$286,792,079/ divided by 185,273 (DOE & Charter enrollments) = **\$1,548 per pupil**

Referring to the Charter Commission Report p. 98 Charter Federal Funds for FY 13-14: \$5,205,760. / Charter enrollments 9797 = **\$531 per pupil Fed Funds for charters.**

TOTAL ALL HI FED \$ \$286,792,079 - \$5,205,760 (Charter Fed \$) = \$281,586,319 HIDEOE only / HIDEOE enrollments 175,476 = **\$1,605 per pupil Federal Funds for HIDEOE**

A gap of over \$1,000 dollars per pupil.

Source: State of Hawaii Department of Education Financial Report July 1, 2013- June 30, 2014  
<http://www.hawaiipublicschools.org/Reports/FinRep2013-14.pdf>

Source: The State Public Charter School Commission Annual Report 2014-15  
<http://sharepoint.spccsc.hawaii.gov/public/Documents/FINAL%202015%20Commission%20Annual%20Report%2011.30.15.pdf>

#### 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'i.edu](mailto:jshon@Hawaii'i.edu)

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

# *Kua O Ka La PCS*

PO Box 1413 Pahoehoe, Hawaii 96778 Tel: 808-965-5098 email: kuaokala@ihawaii.net



**Testimony Strongly Opposing Senate Bill 2881  
Submitted by Susie Osborne on behalf of:  
Kua o ka La Public Charter School**

Aloha Chairperson Kidani, Vice-Chairperson Harimoto and Members of the Senate Committee on Education:

Thank you for this opportunity to testify regarding my strong opposition to Senate Bill 2881. It is with great concern that I read this proposed bill and strongly urge you to not adopt the proposed SB2881.

Charter schools are recognized state agencies. SB2881 unfairly singles out charter schools, which are government agencies, in order to free up more of DHRD's resources to pay for other administrative workers' compensation claims.

We do not agree that charter schools should be singled out as a public entity that should procure and administer their workers' compensation insurance and claims.

Charter schools simply do not have the expertise nor the human resources to administer workers' compensation claims. Charter schools also do not have the financial resources or reserves to pay out on claims against the State. Charter schools are also woefully underfunded state entities which must stretch their very modest per pupil funds to cover curriculum, personnel, facilities and operations costs.

Instead, Department of Human Resources Development should work with the Governor's office and legislature to increase its appropriation in fees to administer the claims against the State.

To pass this task to individual charter schools is unreasonable and irresponsible.

Putting the administration of workers' compensation on charters may cause more liability and ultimately increase costs for the State.

We thank you for your consideration and understanding of the profound negative impact on Charter Schools this bill would have with a system already fraught with inequity. This impacts our children, our students' success. This is the responsibility of the state.

With thanks for all of your work and dedication to our State

Susie Osborne  
Head of School  
Kua o ka La Charter School



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**SB2881**

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marion K A Kapuniaia	GBKanuOKaAinaNCPCS	Oppose	No

Comments: Discrimination at it's best! All public employers shall be responsible to the law as is private enterprise employers. Go back to the drawing board and Be Creative! Thank you!

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**STATE OF HAWAII  
Kualapu`u School  
Public Conversion Charter**

P O Box 260  
Kualapu'u, Molokai, Hawaii 96757  
Phone: (808) 567-6900, Fax: (808) 567-6906

THE SENATE  
COMMITTEE ON EDUCATION  
Sen. Michelle Kidani, Char  
Sen, Breene Harimoto, Vice Chair  
COMMITTEE ON JUDICIARY AND LABOR  
Sen. Keith Agaran, Chair  
Sen. Maile Shimabukuro

**Testimony OPPOSING of SB 2881  
Relating to Public Charter Schools**

Kualapu`u School and our school community **strongly OPPOSES SB 2881.**

This bill would impose a heavy financial and operational burden on our charter schools, which are already struggling to maintain their schools, facilities, and programs. Given the current level of funding, it would be financially impossible for our charter schools, especially our smaller schools, to administer and pay their claims or become self-insured, and their organizational capacity to administer claims is highly doubtful.

Thank you for your consideration,

Lydia Trinidad  
Principal  
Kualapu`u Public Conversion Charter School

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**Date:** Thursday, February 11, 2016 10:55:50 AM

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**SB2881**

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Katie Benioni	Kanu o ka Aina Learning Ohana	Oppose	No

Comments:

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**SB2881**

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kalima Cayir	The Volcano School of Arts & Sciences	Oppose	No

Comments: I strongly oppose SB 2881. This is not realistic for charter schools. If this were to become law, there would need to be a centralized WC office administering this for all charter schools with new funding appropriations specifically for this purpose and a realistic timeline for preparation and training before this could take effect. Currently, each charter school's General Fund pays for WC disability payments to employees, not the State General Fund or other appropriation. It is a great injustice to see these funds taken away from supporting students and classrooms, creating yet another inequity for students in charter schools. Thank you for your kokua.

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*'A'ole pau ka 'ike i ka hualau ho'okahi*

## **Connections Public Charter School**

*A Community, Business & Education Learning `Ohana*

### **Testimony Opposing Senate Bill 2881**

**Public Hearing on February 12, 2016 at 1:15 pm**

**John Thatcher, Connections Public Charter School**

Chairpersons Kidani and Keith-Agara, Vice-Chairpersons Harimoto and Shimabukuro, and Members of the Senate Committees on Education and Judiciary and Labor:

I am the principal of Connections Public Charter School in Hilo. I have worked for Connections since our inception as a charter school in 2000. Many charter schools in this country are not considered entities of the State. Most are governed by non-profit boards. However, in Hawaii, charter schools are entities of the State. The Commission that oversees charter schools is administratively attached to the Department of Education. In fact, as this bill notes, prior to 2005, workers' compensation claims were handled by the DOE. I urge these committees to modify this bill to again place workers' compensation at charter schools with the DOE.

Charter schools in Hawaii have struggled with issues relating to our status as state entities. In the past we have been charged for the fringe benefits our employees receive. After two years, this practice was banned and codified into statute (§302D-28). This bill would again place an enormous burden on our schools that are already struggling with funding issues and have to comply with fiscal restrictions requiring each school to maintain a substantial reserve mandated by the contract imposed upon us by the Charter School Commission. As written, this bill would make charter schools the only State entities required to pay for workers' compensation claims.

Hawaii Workers' Compensation laws require the employer to provide certain benefits without regard to the fault of the employer and prohibit an employee from filing civil action against the employer for work-related injuries or illnesses. This bill, as it is currently written, could actually lead to civil actions against the State. Charter school governing boards are only considered to be employers for purposes of chapters 76, 78, and 89. Requiring the charter schools to purchase workers' compensation insurance would make charter schools the only State entities required to take on this additional financial burden. If the governing board of a charter school refuses to purchase this insurance and does not have coverage for its employees, an injured employee would be forced to contact the Investigation Section in Honolulu or the closest neighbor-island Department of Labor and Industrial Relations District Office for assistance. Please consider these and other unforeseen consequences of passing this bill as it is currently written. Again, I urge you to place workers' compensation for charter school employees back with the Department of Education.

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**SB2881**

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anthony Fraser	Individual	Oppose	No

Comments:

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**SB2881**

Submitted on: 2/11/2016

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Briann Starkey	Individual	Oppose	No

Comments:

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**SB2881**

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Christina Cummings	Individual	Oppose	No

Comments:

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**SB2881**

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Davelyn Lokelani Han	Individual	Oppose	No

Comments: I am OPPOSED to this proposal. I am a public school teacher and I work collaboratively with my administration to help determine how and where what little charter school money we receive is divvied up. We continue to be the unwanted step child in Hawaii - but we provide a much needed and I would like to hope a much valued option to families who live in our district or who would like the cultural opportunities that our school provides.

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**SB2881**

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Edwin Mendija	Individual	Oppose	No

Comments:

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**SB2881**

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Erin Lindsey	Individual	Oppose	No

Comments:

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TO: Hawaii State Legislators

From: Georgia G. Goeas; Retired Hawaii State DOE Teacher, Board Member for  
Innovations Public Charter School

Re: SB 2881/HB 2352 Relating to Charter School and Workers' Compensation  
Claims

To Whom It May Concern:

I stand in opposition to the above-referenced bill. First, the bill unfairly requires charter schools to assume the financial burden of administering and paying workers compensation claims. Second, it requires charter schools, recognized state agencies, to obtain independently the funding necessary to support workers' compensation liabilities.

As government agencies, charter schools should not be singled out to search out funding and regulate workers' compensation insurance and claims. By design, charter schools do not have the financial resources or reserve capital to pay out on claims against them, and by extension, the State. Also, they do not have the human resources or expertise to administer workers' compensation claims in comparison to the already established Department of Human Resources Development (DHRD).

It is common knowledge that charter schools are underfunded state entities. As such they are pressed to utilize every effort to stretch the funds they receive from the State. The inadequate per pupil funds received must cover curriculum, personnel, facilities and operation costs. There are simply no leftover fiscal resources for workers' compensation claims. To relegate this task to individual charter schools is both remiss and unreasonable.

Every government agency is tasked with being fiscally responsible. SB 2881 / HB 2352, however, may very well create more liability and ultimately greater cost to the State of Hawaii. The administration of workers' compensation claims needs to remain under the jurisdiction of the DHRD.

Sincerely,  
Georgia G. Goeas

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**SB2881**

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Greta Martinez	Individual	Oppose	No

Comments: Charter Schools are already taxed with "out of pocket expenses" that DOE schools are provided for by the state. We can't have more expenses come out of our already low per pupil budget

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**SB2881**

Submitted on: 2/11/2016

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Hannah Kihalani Springer	Individual	Oppose	No

Comments:

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**SB2881**

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Janlyn Ryusaki-Phillips	Individual	Oppose	No

Comments:

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**SB2881**

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Hiro	Individual	Oppose	No

Comments: Charter schools are recognized state agencies. SB2881 unfairly singles out charter schools, which are government agencies, in order to free up more of DHRD's resources to pay for other administrative workers' compensation claims. We do not agree that charter schools should be singled out as a public entity that should procure and administer their workers' compensation insurance and claims. Charter schools simply do not have the expertise nor the human resources to administer workers' compensation claims. Charter schools also do not have the financial resources or reserves to pay out on claims against the State. Charter schools are also woefully underfunded state entities which must stretch thin very modest per pupil funds to cover curriculum, personnel, facilities and operations costs. Instead, Department of Human Resources Development should work with the Governor's office and legislature to increase its appropriation in fees to administer the claims against the State. To pass this task to individual charter schools unreasonable and irresponsible. Putting the administration of workers' compensation on charters may cause more liability and ultimately increase costs for the State.

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**SB2881**

Submitted on: 2/11/2016

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jerry Wayne FlowersJr	Individual	Oppose	No

Comments: I strongly oppose this bill

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**SB2881**

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jessica Rojas	Individual	Oppose	No

Comments: I strongly oppose SB 2881. If this were to become law, there would need to be a centralized WC office administering this for all charter schools with new funding appropriations specifically for this purpose and a realistic timeline for preparation and training before this could take effect. Charter School Workers Compensation claims are currently administered by the Department of Human Resources (DHRD) as is the case with other departments within the State of Hawaii. Currently, each charter school's General Fund pays for WC disability payments to employees, not the State General Fund or other appropriation. As I understand the Department of Education handles their own claims through their "Office of Human Resources, Personnel Assistance Branch, Worker's Compensation Health Benefits and Awards Section, Worker's Compensation Unit". It is unclear how the state funds the work comp office for the DOE. However, it is not a realistic expectation for charter schools without a transition period, proper planning and funding. Our Charter School Commission Office would be the best situated to take on the task for 33 schools. However, the Commission has taken the position that it does not hold any administrative responsibilities to the schools. Therefore, Charters schools are running individual administrations and would have to duplicate Work Comp administration services 33 times under this law!!! Charter schools are under funded, understaffed, and lack the resources and expertise to take on a task of this magnitude.

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**SB2881**

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

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

Comments:

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**SB2881**

Submitted on: 2/11/2016

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Keomailani Case	Individual	Oppose	No

Comments: This will create a financial hardship for charter schools.

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**SB2881**

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kim Johnston	Individual	Oppose	No

Comments:

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**SB2881**

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Omalsa	Individual	Oppose	No

Comments: A'ole to SB2881. Please DO NOT single out charter schools. They are not private schools. They have simply chosen a different path in educating our keiki. Mahalo.

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**SB2881**

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melissa Andaya	Individual	Oppose	No

Comments: Aloha Hawaii State Legislature, I strongly oppose SB 2881. Currently Charter School Workers Compensation claims are administered by the Department of Human Resources (DHRD) as is the case with most other departments within the State of Hawaii. I know the Department of Education administers their own claims through their "Office of Human Resources, Personnel Assistance Branch, Worker's Compensation Health Benefits and Awards Section, Worker's Compensation Unit" but this is not realistic for charter schools. Charter schools are underfunded, understaffed, and lack the resources and expertise to take on the magnitude of this task. If this were to become law, there would need to be a centralized WC office administering this for all charter schools with new funding appropriations specifically for this purpose and a realistic timeline for preparation and training before this could take effect. Currently, each charter school's General Fund pays for WC disability payments to employees, not the State General Fund or other appropriation. It is a great injustice to see these funds taken away from supporting students and classrooms, creating yet another inequity for students in charter schools.

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**SB2881**

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nadia Ranne	Individual	Oppose	No

Comments: Aloha Hawaii State Legislature, I strongly oppose SB 2881. Currently Charter School Workers Compensation claims are administered by the Department of Human Resources (DHRD) as is the case with most other departments within the State of Hawaii. I know the Department of Education administers their own claims through their "Office of Human Resources, Personnel Assistance Branch, Worker's Compensation Health Benefits and Awards Section, Worker's Compensation Unit" but this is not realistic for charter schools. Charter schools are underfunded, understaffed, and lack the resources and expertise to take on the magnitude of this task. If this were to become law, there would need to be a centralized WC office administering this for all charter schools with new funding appropriations specifically for this purpose and a realistic timeline for preparation and training before this could take effect. Currently, each charter school's General Fund pays for WC disability payments to employees, not the State General Fund or other appropriation. It is a great injustice to see these funds taken away from supporting students and classrooms, creating yet another inequity for students in charter schools. Mahalo, Nadia Ranne Human Resources Manager Hawaii Academy of Arts & Science PCS

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**SB2881**

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nancy Levenson	Individual	Oppose	No

Comments:

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**Subject:** \*Submitted testimony for SB2881 on Feb 12, 2016 13:15PM\*  
**Date:** Thursday, February 11, 2016 9:30:45 AM

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**SB2881**

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shelly Stimac	Individual	Oppose	No

Comments:

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TESTIMONY IN OPPOSITION OF SB2881

RE: **REQUEST OPPOSITION OF SB2881**

Aloha my name is Taffi Wise from Kanu o ka Aina on the Big Island of Hawaii and a member of Na Lei Na'auao Alliance for Native Hawaiian Education. 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. Together our community has had unprecedented academic success including 100% graduation rate and our first PhD graduate in 2015. We have created preschools, a nationally certified teacher licensing program for DOE, Charter and Private School teachers as well as created a unique master's program for up and coming educational leaders. Additionally, we have developed an educational learning destination that meets all standards of technological and sustainable design at the highest levels and created a Community Development Finance Institution certified and funded by the Department of Treasury to share with Hawaii.

We were able to achieve these goals through legislative empowerment, being accountable, following standards of best practice and engaging public private partners in synergistic relationships for the betterment of education in Hawaii.

Over the many years of work with the legislature and appropriate agencies, **there is now undeniable clarity that charter school employees are State public employees, and union members as required by Chapter 89. They should receive all the same benefits as all other Hawaii State public employees.** Charter School per-pupil allocations which have been made equitable by the legislatures good work for general funds is still significantly less because of inadequate federal funding distributions and the lack of facilities, food and transportation support. **Additionally, Charter School Governing Boards are "State Actors" and private insurance providers will not underwrite the schools for workers compensation benefits. One claim against a schools per-pupil allocation could be the death of the school.** We had this issue back in the early 2000's which is why it was changed to the current processing system.

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. It is working and we see the fruits of our labor through successful students and engaged communities! **PLEASE OPPOSE SB2881.**

Mahalo nui for all you do,



Taffi Wise

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**SB2881**

Submitted on: 2/11/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Usha Kilpatrick Kotner	Individual	Oppose	No

Comments: Charter schools are recognized state agencies. SB2881 unfairly singles out charter schools, which are government agencies, in order to free up more of DHRD's resources to pay for other administrative workers' compensation claims. We do not agree that charter schools should be singled out as a public entity that should procure and administer their workers' compensation insurance and claims. Charter schools simply do not have the expertise nor the human resources to administer workers' compensation claims. Charter schools also do not have the financial resources or reserves to pay out on claims against the State. Charter schools are also woefully underfunded state entities which must stretch thin very modest per pupil funds to cover curriculum, personnel, facilities and operations costs. Instead, Department of Human Resources Development should work with the Governor's office and legislature to increase its appropriation in fees to administer the claims against the State. To pass this task to individual charter schools unreasonable and irresponsible. Putting the administration of workers' compensation on charters may cause more liability and ultimately increase costs for the State.

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