

SB833

DAVID IGE
GOVERNOR



CATHERINE PAYNE
CHAIRPERSON

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

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FOR: SB 833 Relating to Public Charter Schools
DATE: Friday, February 6, 2015
TIME: 1:15 p.m.
COMMITTEE(S): Senate Committee on Education
ROOM: Conference Room 229
FROM: Tom Hutton, Executive Director
State Public Charter School Commission

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

The State Public Charter School Commission (“Commission”) appreciates the opportunity to submit this testimony in support of Senate Bill, “Relating to Public Charter Schools.” The measure, which was developed by the Commission, would:

1. Provide that a public charter school that becomes financially insolvent shall be deemed to have voluntarily surrendered its charter contract;
2. In the event of serious health and safety concerns at a charter school, require the school’s authorizer to determine whether the concerns require school closure;
3. Under both of these closure scenarios, require the authorizer to adopt a closure protocol; and
4. Under both of these scenarios, require the authorizer to determine whether a transition period is necessary for the school’s students and staff.

As we discussed with this Committee at our informational briefing, the need for this revision to Hawaii’s charter school statute has been revealed by the current situation with the pending revocation of Hālau Lōkahi Charter School. The lengthy revocation process established under Chapter 302D does not contemplate a scenario in which the school already is insolvent and/or in which the school insists on continuing operations despite its insolvency. Similarly, under a health and safety scenario, prompt closure may be warranted.

Thank you for the opportunity to provide this testimony.

Testimony SB833
Senate Education Committee
February 6, 2015 Conference Room 229 1:15pm
OPPOSE

Dear Chair Kidani and committee,

I am in strong opposition to Senate Bill 833. Charter schools have been experiencing financial hardships for the past 6 years. Our per-pupil remains stagnated at \$6000 and still there is no support for the three basics of education: facilities, food programs, and transportation. We are good financial managers. We are not magicians. Funding public education students at different levels is unacceptable. During the “fiscal cliff” all governments faced in 2008, charters lost one third of their per-pupil funding. In just two years, the charter school per pupil allocation went from \$8500 per pupil to \$5360 per pupil. ARRA funds or stimulus funds helped us survive. Many schools set aside those funds to carry them through the years. HAAS operated in the red for three years, but had the ARRA funds to cover our losses. The language in this bill could have caused the closure of HAAS and other fiscally responsible schools.

With that short history of charter school financing, I want you to find ways to help our children, not find ways to compromise their choice in education. I have problems with the phrase “sole discretion”. Authority is given to a body of volunteers (Public Charter School Commission) who rely heavily on their Executive Director for information. It would be a gross mistake to remove due process from charter schools, one that could be challenged in a court of law.

Charter Schools are already complying with accountability and compliance requirements (Academic, Financial, and Governance) which are ample and timely. We report out several times a year on financial statements as well as complete a third party audit annually.

Another point of contention in this law is in the phrase: “the school shall be deemed to have voluntarily surrendered its charter”. We’ve all been to PTSA meetings where volunteers are asked for. “Any volunteers to sit on the fund raising event coming up in two days?” might be a common question. The chair may then say “Seeing none, I deem Robert and Jane to be volunteers on that committee.”

This intent of this particular part of the law (Section 302D-17) was specifically for the authorizer (read Commission) to take immediate and necessary action for serious health and safety issues. I see the validity in that. But I fail to see the justification to compare a judgment on a school’s fiscal position at a point of time to be the reason to deem them volunteers to close their schools. Let’s not punish the children for situations that, with corrective action and planning, can mitigate a temporary situation.

Thank you for this opportunity to testify.

Steve Hirakami

Director, Hawaii Academy of Arts & Science PCS

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: aandrea99@aol.com
Subject: Submitted testimony for SB833 on Feb 6, 2015 13:15PM
Date: Thursday, February 05, 2015 6:40:08 PM

SB833

Submitted on: 2/5/2015

Testimony for EDU on Feb 6, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Oppose	No

Comments: Please do not pass this bill. The bill is unclear on who or what entity "the authorizer" would be that is given the decision-making power of whether a school should remain open or closed. The authorizer therefore has the potential to be ruled by financial interests, rather than for the benefit of children and their families. Additionally, children from public schools outperform those from charter schools. Charter schools need more, not less, regulation and oversight.

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.

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From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: ian.l.york@gmail.com
Subject: Submitted testimony for SB833 on Feb 6, 2015 13:15PM
Date: Thursday, February 05, 2015 12:30:27 PM

SB833

Submitted on: 2/5/2015

Testimony for EDU on Feb 6, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Ian York	Individual	Oppose	No

Comments: The language in this bill is drastic and alarming. Creating a legal trigger-point for a school losing its charter without any regard for circumstances, process, or possible solutions is draconian and inflexible. All stake-holders in a charter school should participate in any possible remediation or shut-down process including the commission, governing board, administration, staff, students, families, and community members. Many more solutions are possible when all those affected are part of the conversation.

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February 4, 2015

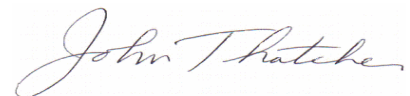
Chairperson Kidani, Vice Chairperson Harimoto and members of the Education Committee:

I would like to express my strong concerns regarding Senate Bill 833. I urge you to kill this bill on Constitutional grounds. The procedure outlined in this bill for closing a charter school violates the right to due process guaranteed in the Fifth Amendment of the Bill of Rights. This process was used by Thomas Hutton, the Executive Director of the Hawaii State Public Charter School Commission to force the members of the Governing Board of Halau Lokahi and the Director to resign. The current members of the school's Governing Board did not approve the Charter Contract. Thomas Hutton's blatant attacks through the media have poisoned the public's perception of Halau Lokahi. The former Governing Board and Director of the school are not being allowed an opportunity to exercise their rights to due process. As one of the former members of Halau Lokahi's Governing Board, I am professionally and personally offended by the tactics used by Thomas Hutton to close the school. He chose to apply a section of the law pertaining to health and safety issues to eliminate the only Governing Board and Director capable of preparing a defense for the school. Now he is attempting to legitimize his actions by making changes to the current law through this bill.

If we had an opportunity to present our case, we would have pointed out that the Hawaii State Public Charter School Commission withheld allocated funding from the school during the 2013-2014 school year. Some of these 2013-2014 funds were not released until the current fiscal year. The Commission was not provided an allocation for its staff, by the Legislature, for the 2013-2014 fiscal year. With no legal authority, they took funds from the charter schools' allocation to fund their office. The Commission withheld federal funds throughout the 2013-2014 school year despite an Attorney General opinion that said that all of these funds should have been distributed to the schools. The Commission staff also withheld a collective bargaining allocation and the 4th quarter FICA reimbursement from Halau Lokahi during the 2013-2014 school year. The legally appointed Governing Board of the school and the former Director will not be provided with an opportunity to raise these and other fiscally related issues through an administrative process. Their only recourse is to take legal action through federal and/or state courts.

Thomas Hutton is a lawyer. He has manipulated the law and created a hostile environment for all charter schools in Hawaii. Again, I strongly urge you to kill this bill and send a clear message to the Hawaii State Public Charter School Commission and its Executive Director. Thank you for this opportunity to present testimony concerning Senate Bill 833.

Sincerely,

A handwritten signature in cursive script that reads "John Thatcher".

John Thatcher

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: terriyork2@gmail.com
Subject: *Submitted testimony for SB833 on Feb 6, 2015 13:15PM*
Date: Thursday, February 05, 2015 10:17:50 AM

SB833

Submitted on: 2/5/2015

Testimony for EDU on Feb 6, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Terri York	Individual	Oppose	No

Comments:

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