

SB837

Measure Title: RELATING TO CHARTER SCHOOLS.

Report Title: Charter Schools; Collective Bargaining

Description: Requires collective bargaining for charter school matters to be conducted between the exclusive representatives of charter school employees as the employee and the governor, board of education, and representatives elected by charter school governing boards as the employer.

Companion: [HB678](#)

Package: None

Current Referral: EDU/JDL, WAM

Introducer(s): KIDANI, Keith-Agaran

Sort by Date		Status Text
1/23/2015	S	Introduced.
1/26/2015	S	Passed First Reading.
1/28/2015	S	Referred to EDU/JDL, WAM.
2/10/2015	S	The committee(s) on EDU/JDL has scheduled a public hearing on 02-13-15 1:00PM in conference room 229.

S = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment

DAVID 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: SB 837 Relating to Charter Schools
DATE: Friday, February 13, 2015
TIME: 1:00 p.m.
COMMITTEE(S): Senate Committee on Education
Senate Committee on Judiciary and Labor
ROOM: Conference Room 229
FROM: Tom Hutton, Executive Director
State Public Charter School Commission

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

The State Public Charter School Commission (“Commission”) appreciates the opportunity to submit this testimony in support of the intent of Senate Bill 837, “Relating to Charter Schools,” which would provide for separate negotiation of the collective bargaining agreements for charter school employees in Bargaining Units (4), (5), and (6).

Under the bill and its companion House Bill 678, which were developed by the Hawaii Public Charter Schools Network (“HPCSN”), for purposes of negotiating these collective bargaining agreements on matters related to charter schools, the “public employer” would mean the governor, who would have three votes, the Hawaii Board of Education, with one vote, and two charter school representatives elected by a majority of the governing boards of the charter schools.

The Commission strongly supports the intent of the proposal, which recognizes the shortcomings of Hawaii’s current collective bargaining process for its public charter school employees. Under that process, master agreements negotiated between the Department of Education and the exclusive representatives of these bargaining units apply to employees serving in charter schools as well as in Department of Education schools. There is no formal mechanism in that process for direct representation by public charter schools, and negotiators for employer and employee alike have acknowledged that charter schools are, at best, an

afterthought in what already is an enormously complicated undertaking for the Department of Education schools alone.

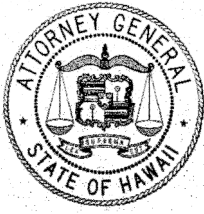
Under Sections 302D-1 and 302-D12(e), Hawaii Revised Statutes (“HRS”), charter school governing boards are empowered to negotiate supplemental collective bargaining agreements with exclusive representatives of their employees. In theory, this allows for modifications to provisions in the master agreements that were not developed with charter school realities in mind and may not be workable in such a different context.

As a practical matter, however, the process of negotiating up to 34 supplemental agreements has proved very challenging for the exclusive representatives. As of this writing, some 18 months after the master agreement with the Hawaii State Teachers Association (“HSTA”) was finalized, only three supplemental agreements with charter schools have been executed. Because no charter school opted into the Department of Education’s Educator Effectiveness System, every charter school must negotiate a supplemental agreement on that issue, if on no other. The news that negotiations over the master agreement will reopen may entail additional delay for the negotiation of the remaining supplemental agreements.

As of this writing, the Commission has not yet had the opportunity to consider this issue. We understand the Department of the Attorney General may submit recommendations to improve the measure, which we would support. We also understand that HPCSN and HSTA have discussed possibly holding off on this legislation for now while they attempt to collaborate to address the problem via other means, such as by having schools collectively negotiate a master supplement agreement with HSTA. For now we would support reporting the bill out for further discussion.

We also note that two other sets of companion bills also address this topic. House Bill 666 and Senate Bill 621 would add two votes for “the charter schools,” without further explanation, to the definition of public employer for purposes of negotiating agreement for bargaining units (5) and (6). House Bill 676 and Senate Bill 163 would instead assign one vote to the Chairperson of the Commission. Of these three proposals, at this time we believe the bill before you today is the preferable approach.

Thank you for the opportunity to provide this testimony.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2015**

ON THE FOLLOWING MEASURE:

S.B. NO. 837, RELATING TO CHARTER SCHOOLS.

BEFORE THE:

SENATE COMMITTEES ON EDUCATION AND ON JUDICIARY AND LABOR

DATE: Friday, February 13, 2015

TIME: 1:00 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Russell A. Suzuki, Attorney General, or
Richard H. Thomason, Deputy Attorney General

Chairs Kidani and Keith-Agaran and Members of the Committees:

The Department of the Attorney General (“the Department”) strongly supports the idea of giving charter schools the right to collectively negotiate distinct master agreements for bargaining units (5) and (6) relating specifically to the terms and conditions of work at charter schools generally, while at the same time preserving the rights of individual charter schools and exclusive representatives to enter into supplemental agreements. Accordingly, the Department supports this bill with one proposed amendment, one reservation, and one correction.

The proposed amendment is to modify section 89-6 (d) (3), Hawaii Revised Statutes (HRS), as follows:

For bargaining units (5) and (6) [5] on matters relating to department of education schools, the governor shall have three votes, the board of education shall have two votes, and the superintendant of education shall have one vote; and

The intent of this proposed amendment is to clear up any potential confusion regarding the intended interplay of sections 89-6 (d) (3) and (4), HRS.

The reservation the Department has with regard to this bill concerns the proposal to change to the status of bargaining over master agreements for unit (4). Unlike members of unit (4), all members of units (5) and (6) work at either the Department of Education or charter schools, a situation which precisely explains why it is proper to give both the Superintendent of Education and charter schools distinct seats at separate bargaining tables for master agreements covering these two units.

However, the same considerations do not apply with regard to members of unit (4), any more that they do with regard to unit (1), (2), (3), or (13). Indeed, under the current statutory scheme, neither the Board of Education, nor the Superintendent of Education currently have distinct votes in bargaining over master agreements for any of these units despite the fact that members of units (1), (2), (3), and (13) work at public schools.

Finally, we note that the bill as proposed neglects to strike "(4)" out of section 89-6 (d) (1), HRS, something that should be corrected.

The Department does not believe that any amendments to either chapter 302D, HRS, or section 89-10.55, HRS, are necessary to effectuate the intent of this bill.

TESTIMONY BY WESLEY K. MACHIDA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE SENATE COMMITTEES ON EDUCATION
AND JUDICIARY AND LABOR
ON
SENATE BILL NO. 837

February 13, 2015

RELATING TO CHARTER SCHOOLS

This measure changes the employer voting structure for certain public sector bargaining units (BU) by amending Sections 89-2 and 89-6, HRS. It provides that two new charter school representatives are to be elected to the governing boards of the charter schools to serve as the employer for the purpose of collective bargaining negotiations. The bill also provides that for BUs (4), (5), and (6), the Governor will have three votes, the Board of Education one vote, and the two charter school representatives would have one vote each.

The Department of Budget and Finance has several concerns with this measure. First, since charter school governing boards are not designed to function as a single body, it is not clear how they would come together to select two persons to represent them fairly.

Second, it is not clear how BUs (4), (5), and (6) were selected for the new voting structure. Charter schools also have employees belonging to BUs (1), (2), and (3) and have more employees belonging to BUs (1) and (3) than BU (4).

Third, it is not clear what type of agreement this new voting structure is supposed to create and who is subject to those agreements. Section 89-6, HRS, currently prescribes the voting structure for each collective bargaining unit and there is only one master agreement for each unit. Under the terms of this measure, certain

units would have two voting structures. It is not clear if this new voting structure is intended to serve as a mechanism to: create new comprehensive master agreements for these units that all charter schools would follow; create a voting structure for specific charter school provisions to be inserted into existing master agreements; or develop some other type of arrangement.

Fourth, it is not clear how the two representatives would select matters to be negotiated for all charter schools and develop related proposals.

DAVID Y. IGE
GOVERNOR



JAMES K. NISHIMOTO
CHIEF NEGOTIATOR

**STATE OF HAWAII
OFFICE OF COLLECTIVE BARGAINING
EXECUTIVE OFFICE OF THE GOVERNOR**
235 S. BERETANIA STREET, SUITE 1201
HONOLULU, HAWAII 96813-2437

February 12, 2015

TESTIMONY TO
THE SENATE COMMITTEE ON EDUCATION AND
THE SENATE COMMITTEE ON JUDICIARY AND LABOR

For Hearing on Friday, February 13, 2015
1:00 p.m., Conference Room 229

By

JAMES K. NISHIMOTO
OFFICE OF COLLECTIVE BARGAINING, CHIEF NEGOTIATOR

**Senate Bill No. 837
Relating to Charter Schools**

(Written Testimony Only)

CHAIRPERSONS KIDANI AND KEITH-AGARAN, VICE CHAIRS HARIMOTO AND SHIMABUKURO AND MEMBERS OF THE SENATE COMMITTEE ON EDUCATION AND THE SENATE COMMITTEE ON JUDICIARY AND LABOR:

The purpose of S.B. No. 837 is to require collective bargaining for charter school matters to be conducted between the exclusive representatives of charter school employees as the employee and the governor, board of education, and representatives elected by charter school governing boards as the employer.

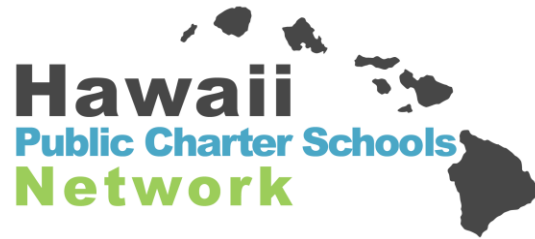
The Office of Collective Bargaining (OCB) offers the following **concerns**:

First, allowing the charter schools to essentially negotiate their own master agreement for certain bargaining units could potentially involve additional costs to the general fund.

In addition, this measure allows the charter schools the right to negotiate their own master agreement for bargaining units (4), (5), and (6). However, while bargaining units (5) and (6) are unique to the department of education and charter schools, bargaining unit (4) is not. Because bargaining unit (4) members are found in other employer jurisdictions, it is important to maintain uniformity and consistency for all employees in this bargaining unit. Therefore, if the committee is inclined to move this bill forward, OCB recommends that bargaining unit (4) be removed from the proposed amendment and that the current voting structure for this unit remain intact.

Lastly, the OCB questions the necessity of giving the charter schools the authority proposed by this bill because the charter schools already have the authority to negotiate their own memoranda of agreement or supplemental agreements under HRS §89-10.55(c) in order to address their specific operational needs.

Thank you for the opportunity to provide testimony on S.B. No. 837.



Hawaii State Senate
Committee on Education
Committee on Judiciary and Labor

DATE: Friday, February 13, 2015
TIME: 1:00 p.m.
PLACE: Conference Room 229, Hawaii State Capitol

Chairs Kidani and Keith-Agaran, Vice Chairs Harimoto and Shimabukuro, and Members of the Committees;

Re: SB837 – Relating to Charter Schools

Mahalo for the opportunity to testify on SB837, a bill that creates a new collective bargaining employer group for charter schools. Hawaii Public Charter Schools Network (HPCSN) is committed to quality education for all public school students in Hawaii through our support of, and work with, Hawaii's public charter schools.

Since the introduction of collective bargaining bills relating to charter schools, HPCSN has met with the Hawaii State Teachers Association. There has been good dialogue about working together to accomplish the intentions of these collective bargaining bills within the language of existing law. Should we not make traction throughout this next year, HPCSN will support the passing of this bill in the next legislative session.

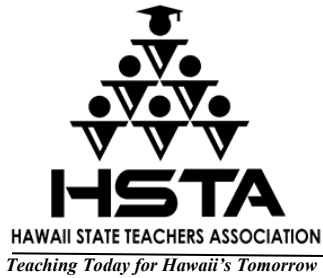
Please defer this bill for this legislative session. HPCSN is in strong support of additional collective bargaining options for charter schools as the existing master agreements with labor unions prove quite challenging for charter schools to work within. HPCSN is hopeful that by next time this year we would have made significant progress in this area toward solutions for charter schools and their teachers.

Thank you for your attention to and consideration of this very important matter. Mahalo for all you do for public education in Hawaii.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Finnegan".

Lynn Finnegan
Executive Director



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

TESTIMONY BEFORE THE SENATE COMMITTEES ON
EDUCATION AND JUDICIARY AND LABOR

Wil Okabe
President
Joan Kamila Lewis
Vice President
Colleen Pasco
Secretary-Treasurer
Wilbert Holck
Executive Director

DATE: FRIDAY, FEBRUARY 13, 2015

RE: S.B. 837 – RELATING TO CHARTER SCHOOLS

PERSON TESTIFYING: JOAN LEWIS, VICE PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

The Honorable Chairs Michelle Kidani and Gilbert Keith-Agaran and Members of the Committee:

The Hawaii State Teachers Association **strongly opposes the purpose and intent of S.B. 837**, which makes changes to the employer voting structure contained in Ch. 89, Hawaii Revised Statutes by authorizing the chair of the state public charter school commission to vote on agreements for bargaining units 05.

HSTA is the exclusive representative of more than 13,500 public and charter school teachers statewide. As the state affiliate of the 2.2 million member National Education Association (NEA), the HSTA has bargained for over 10 years as the charter school teachers exclusive representative.

HSTA is working closely with the charter schools Executive Director of the State Public Charter School Commission to ensure that teachers within the Charter School system are represented appropriately during the bargaining process.

HSTA affirms the right of negotiating a memorandum of agreement or a supplemental agreement that applies to teachers in charter schools.

Thank you for the opportunity to testify.

HAWAII STATE LEGISLATURE 2015

House Bill 837 Regarding Ivory
Senate Bill 674 Regarding Ivory

February 8, 2015

My name is Brenda Reichel, I have been Graduate Gemologist (GIA), jeweler and appraiser for over 32 years in Hawaii. I have been the gemology instructor for the Honolulu Museum of Art School for many years. I am against both of these Bills as written which furthers the hardship of small business, native artisans here in Hawaii and the rest of the United States. I agree that elephants and endangered species need to be protected at the border by Fish and Wildlife, U.S. Customs, TSA, U.S. Postal Service, to stop the illegal selling of Asian or African Elephant Ivory. Education is the most important aspect of saving elephants and endangered species. Elephant poachers need to be stopped in the country of origin. The State of Hawaii and the city and county governments is not where the proposed Bills would stop the illegal trade of elephant ivory. The federal government and its agencies need to do their job of enforcing our borders and stop illegal transportation of elephant ivory. China needs to take responsibility for their participation in the illegal trade of ivory and rhino horn.

Thousands of people benefit from Prehistoric Woolly Mammoth Ivory, Mastodon Ivory, and Fossil Walrus Ivory. There are many people in the jewelry, antique, and estate industry and artisans that work with carve and or collect legally acquired ivory. I resent the characterization that any one that has any type of ivory is in some way automatically a criminal, just by possessing ivory in a retail, wholesale, estate sale, or auction.

As stated in SB 674 "FURTHER, the ivory from other animal species, such as hippopotamus, narwhal, walrus, and whale, is difficult to distinguish visually from elephant ivory without a DNA analysis." This is incorrect as you can tell the types of ivory apart. I believe the Human Society of the United States and Humane Society International is incorrect in stating the 89 percent of ivory sold in Hawaii is "illegal" or of unknown origin. When was the last time, US Customs, Fish and Wildlife or any other government entity in Hawaii seized ivory or ivory products coming into our state?

Prehistoric Woolly mammoth ivory is found by chance by Aboriginal the subsistence hunter, gatherer inhabitants of remote Alaskan and Russian regions. It is also a by-product of mining operations dotted throughout Alaska and Northern Canada, again found by chance.

Fossil Walrus Ivory is found on the Ste. Lawrence Island in the Bering Sea off the coast of Seward Peninsula in Alaska, by chance.

Prehistoric Woolly Mammoth ivory is found only by chance in the soil. Jobs are scarce to thousands of remote villages were this material comes from. The money the finder garners is used for necessities that his family needs to survive in remote Alaskan, Canadian and Russian villages. Prehistoric Woolly Mammoth Ivory tusks are easily identifiable by math. They have distinct, uniquely characteristic crosshatching patterns known as Schreger lines. They intersect at an angle of 90 degrees or less. The same crosshatching pattern exists in Elephant ivory, however the pattern is different in that the intersecting lines cross at 115 degrees or greater.

Walrus ivory has it's own distinct pattern and is entirely different from either the mammoth or elephant ivories. You can tell the difference. It is easy to distinguish. You do not need to be a scientist to tell the

various types of ivory apart and its substitutes; bone, reconstructed bone, deer horn, cow horn, elk antler, moose antler, hornbill ivory, buffalo horn, fake shaw, bakelite, and plastic. There is also vegetable ivory.

The small businesses that use these materials are artists of America, scrimshanders, sculptors, jewelers, gunsmith, knife makers and musical instrument craftsmen.

Hawaii has a long history with China, Japan, whale trading going back to 1770s. The Bishop Museum, Iolani Palace, and the Honolulu Museum of Art have collections which include variety of types ivory. Ming's Jewelry, Sultan Company, Shirokiya, other businesses, and collectors buy and sell legally acquired ivory products. Lahaina as a whaling town has had retail stores with types of ivory. Whale, woolly mammoth, mastodon, boar's tusk, hippo, sharks teeth, walrus. There is no reason to make it illegal to sell antique, vintage organic dentine varieties of all ivory. Rhino horn is comprised of compacted strands of keratin, (hair). Yes the rhino needs to be protected too from poachers.

If you are going to ban any and all types of ivory, you should consider our state gemstone "BLACK CORAL". Black coral is a beautiful gemstone which reminds tourists of our islands. Red Coral, Salmon coral, and white coral come from the far western reaches of the Hawaiian Islands. Hermes Reef and Pearl Atoll in the late Victorian Era and early 1900's was a major source of shells used for buttons. Natural and cultured pearls, amber, mother of pearl shell, even abalone have organic material we use in jewelry, and musical instruments.

Collectors of Ming's Jewelry would not be able to sell any of their collection to someone wanting piece of paradise. There are collectors all around the world that seek out jewelry from Hawaii with our exotic flowers and Hawaiian motifs carved in ivory and other organic materials. Historically Hawaiians have carved and used various types of ivory of the years dating to pre-contact.

Antique ivory (over 100 years old) and ivory covered by the previous ban should not be illegal under the proposed Bill or by Executive order. The organic ivory material must be documented correctly and in compliance with Convention on International Trade in Endangered Species. Even if you want to donate your ivory to a museum or education entity you still have to have it appraised for donation purposes, you would receive a benefit on your taxes in the year you make the donation.

You are doing more harm than good by making any and all ivory illegal to possess, barter, trade, or sell.

Sincerely

Brenda Reichel, GG, ASG, AGA, CIA, ISA
Graduate Gemologist (GIA)
Accredited Gemologist Association, AGA
Accredited Senior Gemologist
Certified Insurance Appraiser
820 West Hind Drive #1229
Honolulu, HI 96821
808-735-2301

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc:
Subject: Submitted testimony for SB837 on Feb 13, 2015 13:00PM
Date: Wednesday, February 11, 2015 7:23:43 PM

SB837

Submitted on: 2/11/2015

Testimony for EDU/JDL on Feb 13, 2015 13:00PM in Conference Room 229

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

Comments: Please oppose this bill. It provides greater autonomy to charter schools, which already lack regulation and oversight, and thus accountability, to the taxpayers who fund these entities.

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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