

DAVID Y. IGE
GOVERNOR



JOHN S.S. KIM
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 2694 MAKING AN EMERGENCY APPROPRIATION TO THE STATE PUBLIC CHARTER SCHOOL COMMISSION

DATE: January 30, 2020

TIME: 2:20 P.M.

COMMITTEE: Committee on Lower & Higher Education

ROOM: Conference Room 309

FROM: Sione Thompson, Executive Director
State Public Charter School Commission

Chair Woodson, Vice Chair Hashem, Vice Chair Quinlan, and members of the Committee:

The State Public Charter School Commission (“Commission”) appreciates this opportunity to submit this testimony in of **SUPPORT of HB2694**.

Section 4 of Act 99, Session Laws of Hawaii 2019, appropriated \$75,000 in general funds from the fiscal year 2018-2019 budget for EDN 600 to pay for claims against the State or Hawaii state public charter school. However, this resulted in the Hawaii state public charter school being required to use funds for the claim payment that were intended for the operation of the public charter school and education of public charter school students. Additionally, this would negatively affect the financial operations of the charter school.

The Commission seeks to address this issue by requesting the funding be provided to the Commission so that the students and families of the public charter school are not negatively impacted. The Commission and the public charter schools will endeavor to better communicate with the Legislature and the Department of the Attorney General to ensure that should there be future claims of this nature, that the appropriate funding be provided that would not negatively affect the operations of a school or the education of public charter school students.

Thank you for the opportunity to submit this testimony.

HB-2694

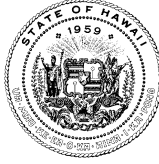
Submitted on: 1/29/2020 1:41:42 PM

Testimony for LHE on 1/30/2020 2:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Barry	Individual	Support	No

Comments:

I am in support of HB2694 making an emergency appropriation in the amount of \$75,000 to provide funds for the State Public Charter School Commission to pay the claim and settlement amount pursuant to Miller-Potter v. State of Hawaii, et al.



LATE

STATE OF HAWAII
Kualapu'u School
Public Conversion Charter
P O Box 260
Kualapu'u, Moloka'i, Hawaii 96757
Phone: (808) 567-6900, Fax: (808) 567-6906

HOUSE OF REPRESENTATIVES
COMMITTEE ON LOWER AND HIGHER EDUCATION Rep. Justin H. Woodson,
Chair
Rep. Mark J. Hashem, Vice Chair
Testimony In Support of H.B. 2694
MAKING AN EMERGENCY APPROPRIATION TO THE
STATE PUBLIC CHARTER SCHOOL COMMISSION
Thursday, January 30, 2020, 2:20 P.M.
Conference Room 309, Hawai'i State Capitol

Chair Woodson, Vice Chair Hashem and Members of the Committee:

Kualapu`u Public Conversion Charter School, a K-6 elementary school on the island of Moloka'i, is in **SUPPORT of H.B. 2694** which makes an emergency appropriation to the Hawai'i State Public Charter School Commission to fund the settlement costs of Miller-Potter v. State of Hawaii, et al. involving Waimea Middle Public Conversion Charter School.

By contract with the state, Hawai'i's public charter schools are covered under the Statewide Risk Management Program pursuant to Chapter 41D, HRS, for liability, property, crime, and automobile insurance. The contract also allows the school to purchase additional insurance coverage if so desired.

Due to this settlement, very serious questions emerged concerning a potential lack of risk management protection afforded charter schools, and a prohibition against the schools' purchase of commercial liability insurance for such claims. What has been asserted is that charter schools, even as state entities, are individually and solely responsible for their own risk management protection, and are, in essence, "self-insured."

To deny the protection of both state and private insurance coverage places an undue financial burden on already under-resourced charter schools throughout the state, and creates unmanageable exposure to potential legal liabilities that put the future of Hawai'i's charter schools in serious jeopardy.

Approval of H.B. 2694 and the emergency appropriation will allow the State Public Charter School Commission to fund the Miller-Potter settlement on behalf of Waimea Middle School and provide all charter schools with an assurance that the questions surrounding risk management protection are being addressed.

Kualapu`u PCCS respectfully requests the House Committee on Lower and Higher Education's support of H.B. 2694.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lydia Trinidad', with a long horizontal flourish extending to the right.

Lydia Trinidad
Principal
808-567-6900



Ho'okāko'o
Corporation

LATE

**HOUSE OF REPRESENTATIVES
COMMITTEE ON LOWER AND HIGHER EDUCATION**
Rep. Justin H. Woodson, Chair
Rep. Mark J. Hashem, Vice Chair

**Testimony In Support of H.B. 2694
MAKING AN EMERGENCY APPROPRIATION TO THE
STATE PUBLIC CHARTER SCHOOL COMMISSION.**
Thursday, January 30, 2020, 2:20 P.M.
Conference Room 309, Hawai'i State Capitol

Chair Woodson, Vice Chair Hashem and Members of the Committee:

Ho'okāko'o Corporation is in **SUPPORT of H.B. 2694** which makes an emergency appropriation to the Hawai'i State Public Charter School Commission to fund the settlement costs of Miller-Potter v. State of Hawaii, et al. involving Waimea Middle Public Conversion Charter School.

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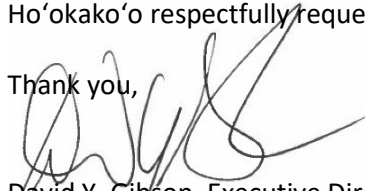
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Approval of H.B. 2694 and the emergency appropriation will allow the State Public Charter School Commission to fund the Miller-Potter settlement on behalf of Waimea Middle School and provide all charter schools with an assurance that the questions surrounding risk management protection are being addressed.

Ho'okāko'o respectfully requests the House Committee on Lower and Higher Education's support of H.B. 2694.

Thank you,



David Y. Gibson, Executive Director
Ho'okāko'o Corporation
(808) 983-3835