

DAVID Y. IGE
GOVERNOR



JOHN S.S. KIM
CHAIRPERSON

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

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FOR: SB 3180 MAKING AN EMERGENCY APPROPRIATION TO THE STATE PUBLIC CHARTER SCHOOL COMMISSION

DATE: February 10, 2020

TIME: 2:45 P.M.

COMMITTEE: Committee on Education

ROOM: Conference Room 229

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

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

The State Public Charter School Commission (“Commission”) appreciates this opportunity to submit this testimony in of **SUPPORT of SB 3180**.

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.



Ho'okāko'o Corporation

THE SENATE
COMMITTEE ON EDUCATION
Senator Michelle N. Kidani, Chair
Senator Donna Mercado Kim, Vice Chair

Testimony In Support of S.B. 3180
MAKING AN EMERGENCY APPROPRIATION TO THE
STATE PUBLIC CHARTER SCHOOL COMMISSION
Monday, February 10, 2020, 2:45pm
Conference Room 229, Hawai'i State Capitol

Chair Kidani, Vice Chair Kim, and Members of the Committee:

Ho'okāko'o Corporation is in **SUPPORT of S.B. 3180** 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 charter schools to purchase additional insurance coverage if so desired.

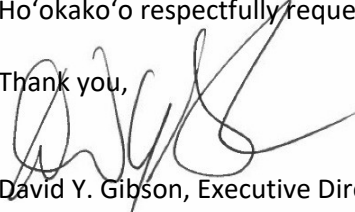
Due to this settlement, very serious questions emerged concerning a potential lack of risk management protection afforded charter schools, and a prohibition against the schools' purchase of commercial liability insurance for their protection against such claims. What has been asserted is that charter 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 puts the future of Hawai'i's charter schools in serious jeopardy.

Approval of S.B. 3180 and the emergency appropriation will allow the State Public Charter School Commission to fund the Miller-Potter settlement and provide all charter schools with an assurance that the questions surrounding risk management protection are being addressed.

Ho'okāko'o respectfully requests The Senate Committee on Education's support of S.B. 3180.

Thank you,



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

SB-3180

Submitted on: 2/8/2020 8:37:35 AM

Testimony for EDU on 2/10/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl B.	Individual	Support	No

Comments:

Appropriate and then make sure the Charter or DOE has plans in place to review and reflect on the circumstances of this payment.