

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>
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FOR: HB 1294 HD1 Relating to Charter Schools
DATE: March 2, 2021
TIME: 11:00 A.M.
COMMITTEE: Committee on Finance
ROOM: Conference Room 309
FROM: Yvonne Lau, Interim Executive Director
State Public Charter School Commission

Chair Luke, Vice Chair Cullen, and members of the Committee:

The State Public Charter School Commission (“Commission”) appreciates the opportunity to submit this testimony providing **COMMENTS on HB 1294** which requires the transfer of non-facility general fund per-pupil allocations of special education students of a Department of Education (DOE) school to a charter school upon enrollment of the student at a charter school subject to certain conditions.

The Commission is aware of the issues pertaining to charter schools that are approved for the expansion of grades or the number of students in the charter school and makes its best efforts in approving expansion requests on a time table which will allow for notification of the DOE and other funding agencies. The Commission is further aware that it is difficult for this process to anticipate the number of special education students that could enroll at the charter school and the level of services needed by these students. The Commission continues to work with the Department and its state Special Education staff to navigate this challenging and very important, issue.

For the allocation of special education funding to charter schools, the Commission must defer to the DOE as it is the DOE that serves as the State Education Agency (SEA) and Local Education Agency (LEA) that is directly responsible for the provision of special education and resources to charter schools.

Thank you for the opportunity to provide this testimony.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 03/02/2021

Time: 11:00 AM

Location: 308 Via Videoconference

Committee: House Finance

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: HB 1294, HD1 RELATING TO EDUCATION.

Purpose of Bill: Transfers the non-facility general fund per-pupil allocation of a special education student of a department of education school to a charter school upon receipt of the completed intent to enroll form of the student at the charter school subject to certain conditions. (HD1)

Department's Position:

The Hawaii State Department of Education (Department) is opposed to HB 1294, HD1, because this measure would create in statute a procedure intended to address a very specific situation for a small subset of charter schools (only those charter schools that have been approved to expand grades offered or to increase student enrollment).

The Special Education Per Pupil Allocation methodology is in its first year of implementation. Implementation is based on procedures defined and vetted the Special Education Fiscal Allocation Work Group. The composition of this Work Group has included school principals, district education specialists, the Special Education Advisory Council representation, special education teachers, resource teachers, union representatives, charter school representation, and leadership from the Office of Student Support Services and the Office of Fiscal Services.

1. The proposed procedure is inconsistent with those of the Special Education Per Pupil Allocation program that distributes the appropriated funding for special education classroom positions based on a single point in time enrollment projection for all public schools.
2. The requirement to transfer allocated funds prior the start of the school year, based

upon a charter school approved for expanded grades or enrollment having received an intent to enroll form(s) prior the school year is inconsistent with the program's current use of actual enrollment as the basis for allocations.

3. There already exists several mechanisms (see attached below) to address significant variance from projected enrollment. The most significant is the 10% Reserve, which is set aside when the state office allocates 90% of program funds to schools based on the enrollment count. The 10% set-aside is allocated to the Complex Area Superintendents to allocate to public schools under their oversight for situations such as this bill seeks to address.
4. The Fiscal Allocation Work Group will be convened annually to holistically consider and address the allocation issues such as the concern this bill seeks to address. The next Fiscal Allocation Work Group, which will be the third, will be convened this Summer and is will include public charter school representation.

NOTE: The Addendum to the Special Education Per Pupil Allocation Guidelines dated August 2020 (<http://bit.ly/2MMuFD4>) provides procedures to address concerns regarding the need for additional funds.

Thank you for the opportunity to provide testimony on this measure.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.



March 1, 2021

RE: Strongly Support HB1294 with Amendments

With this statement, we write to offer full support of HB1294, along with recommendations for amendments to increase equity for **ALL** public school students who enroll in public charter schools. The flaws in the current special education budgeting system for public charter schools perpetuate gaps in equity for our high needs learners. HB1294 presents an opportunity to properly fund all of our special education students in public charter schools, and to make a step toward the equity that those students need to meet their educational goals.

We encourage the striking of the following subsection: *“(c) This section shall apply only to charter schools that are approved for an expansion of grades or the number of students in their charter.”*

The removal of this section would allow the per-pupil funding for all special education students enrolled at public charter schools to be used at their actual school of enrollment. The current funding structure does not ensure that special education funds are dispersed equitably for students who enroll in public charter schools.

While public charter schools are issued an overall student enrollment cap upon authorization, the fluctuation in the enrollment of special education students is not a predictable number, even with an approved cap increase or new school growth. All public charter schools abide by the Chapter 60 law, and do not turn away students with special needs.

The current funding model utilized by the DOE captures public charter student special education enrollment numbers from the fall semester of the previous school year, which do not accurately reflect the actual special education enrollment the following school year. For example, in this school year, our school saw an increase of 13 special education students from the previous school year (which was used for the DOE budgeting model). The required adjustments to special education allotment for each individual public charter school was left in the hands of the local Complex Superintendent (CAS), who is only able to move a 10% reserve, which is utilized for all schools in their complex area. Furthermore, the CAS access to that funding reserve this year did not occur until the end of the first semester, nearly halfway through the school year.

As you can see from the example above, the financial allotment adjustment provided to the CAS for all schools pales in comparison to the need presented by actual special education enrollment adjustments needed at each public charter school.



HB1294, with amendments as we proposed, corrects this glaring inequity for ALL special education students at public charter schools, not just the handful enrolled at newly authorized schools.

While this measure, with amendments, offers the opportunity to correct the misappropriation of funds intended for special education students, it also offers the opportunity for the state legislature to direct the DOE to directly issue the special education per-pupil funds to public charter schools as opposed to imposing an unfit DOE budgeting process on our non-DOE public schools in order to gain access to special education funding. The current mismatched budgeting process for special education funds creates long delays in resources for our special needs keiki, and it burdens all parties involved. If the per-pupil special education funding was provided directly to the public charter schools based on enrollment (like this measure directs), much of the delays and inefficient processes could be avoided.

Mahalo nui for taking the brave move to not only acknowledge, but to directly address the glaring inequity that currently exists for our special education keiki in public charter schools. Your actions now move our public charter schools one step closer toward educational justice.

Mahalo,

Nicole Ryan
Ka 'Ohā Blended Learning Po'o Kumu
Kanu o ka 'Āina New Century Public Charter
School

Keōmailani Case
Elementary Po'okumu
Kanu o ka 'Āina New Century Public Charter
School

Kanoa Castro
Upper School Po'okumu
Kanu o ka 'Āina New Century Public Charter
School

Taffi Wise, Chief Business Officer
Kanu o ka 'Āina New Century Public Charter
School

HB-1294-HD-1

Submitted on: 2/27/2021 8:55:49 PM

Testimony for FIN on 3/2/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Pcola_Davis	Individual	Support	No

Comments:

I can now strongly support this measure with HD1. The amendment actually takes into consideration that a student may transfer during the school year!! This allows the funds to be transferred at the time of enrollment. Upon receipt of enrollment, no longer necessary to provide this a year in advance, as it seemed in the first version.

Please ensure that this is left out to allow for transfers during the school year and that the charter school receive the funds at the time of enrollment in the charter school!

"provided that the parent or guardian of the special education student shall submit prior to the school year in which the student will be enrolled in the charter school, confirmation to the department of the student's application, acceptance, and intent to attend the charter school;

HB-1294-HD-1

Submitted on: 2/28/2021 8:46:02 PM

Testimony for FIN on 3/2/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Hope McKeen	Individual	Support	No

Comments:

Please support this measure for Charter Schools.

HB-1294-HD-1

Submitted on: 3/1/2021 7:33:38 AM

Testimony for FIN on 3/2/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
LAURIE A Mendonca	Individual	Support	No

Comments:

I support this bill WITH the amendment to include ALL keiki at ALL public charter schools



DREAMHOUSE
'EWA BEACH

Monday, March 1, 2021

Aloha Chair Luke, Members of the House Finance Committee,

Please accept this testimony as support for HB1294 HD1, a **Bill to ensure that allocated Special Education Funding follows children with Special Needs, regardless if they are in DOE or Public Charter.**

It is my understanding that:

- **Students with special needs transferring from DOE to Public Charter do not receive a per pupil allocation** until a year later, leaving them unfunded in a new school, without a staffing allocation, and without dedicated resources;
- **HB1294 HD1 does not increase funding** or cost taxpayers any additional money;
- **This bill would ensure funding follows the student** as intended by law, and ensures schools with the actual student receive funding, not their old school (as is the case now).

Regardless of where a parent decides to send their child within our public school system – DOE or Public Charter – my hope is that children with special needs receive the funding that has been allocated to them by law. HB1294 HD1 would ensure this happens.

Mahalo for your time and leadership during these difficult times.

Alex Teece

Founder & CEO

DreamHouse 'Ewa Beach Public Charter School

DREAMHOUSE 'EWA BEACH

91-1245 Franklin D Roosevelt Ave – A | Kalaeloa | HI | 96707

LATE

HB-1294-HD-1

Submitted on: 3/1/2021 1:54:46 PM

Testimony for FIN on 3/2/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Mandado	Individual	Support	No

Comments:

Aloha e Chairwoman Luke and members of the Committee on Finance,

My name is Ryan Mandado and I'm the founding Chief Academic Officer (CAO) of DreamHouse 'Ewa Beach Public Charter School - Hawai'i's new and innovative charter school focused on leadership and identity development. We are currently in Kalaeloa, Hawai'i serving 200 families with students who have diverse needs.

I'm writing in full support of this measure. As a former Special Education teacher who once led Hawai'i's largest Special Education department in the state, supporting students with learning disabilities is a passion of mine. Each year, schools are required to sign a document for special education funds from the complex area based on a projected number of students eligible for special education services and supports. As Hawai'i's newest charter school and growing by one grade level each year, the projected number of students in special education does not match the actual student count at the beginning of the school year after families choose to enroll in our school.

DreamHouse is a fully inclusive school - our students in special education are in general education classes. We believe that all students, no matter their academic and learning ability, should have access to high-quality learning experiences with their non-disabled peers. If students in special education transfer to our charter school, the funds do not follow them until the new school year when we receive another document from the complex area about projected student enrollment. Charter schools are expected to provide excellent educational opportunities for students with disabilities without the funding to do so. Without the funds, it makes it challenging for charter schools to figure out hiring of Special Education teachers, other staff members, and address resources that impact learning opportunities for students with special needs.

We know it takes more to provide high-quality educational services to students with disabilities. Families choose to send their students in special education to charter schools because they want to hold their students to high expectations and experience a different learning environment for their children. The funds that each student with a disability is allocated for should follow them to the charter school they selected as a family to enroll in.

Once again, I hope this committee passes this measure to ensure charter schools receive the funds necessary to ensure students in special education receive the excellent education they deserve.

Please let me know if you have any questions.

Mahalo, Ryan Mandado

Chief Academic Officer at DreamHouse 'Ewa Beach Public Charter School
ryanmandado@gmail.com

808-931-0442

LATE

HB-1294-HD-1

Submitted on: 3/1/2021 6:28:23 PM

Testimony for FIN on 3/2/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shivani Cordes	Individual	Support	No

Comments:

Aloha Nui,

“I support with the amendment to include all keiki at all public charter schools”

Mahalo,

Shivani

HB-1294-HD-1

Submitted on: 3/1/2021 7:07:39 PM

Testimony for FIN on 3/2/2021 11:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Lucas Dembart	Individual	Support	No

Comments:

Aloha Chair Luke and members of the Committee on Finance,

My name is Lucas Dembart and I'm a resident of Waialua, and I am also a full time 7th grade teacher at Wheeler Middle School.

I'm in full support of HB 1294 and ensuring special education funding follows students to charter schools they enroll in. We know it takes more resources to ensure students in special education receive an excellent education. If funds do not follow the students to the charter school they enroll in, charter schools will be responsible for providing high-quality education services without the appropriate resources.

Charter schools exist in communities to provide choice to family members who want their child to participate in different learning environments. If families decide to enroll their children in charter schools, the funds from the complex area should follow the student once the children is enrolled in the school.

Mahalo for allowing me to share my thoughts on this measure and I ask for your full support in passing HB 1294.

Mahalo,
Lucas Dembart