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

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FOR: HB 2214 Relating to Public Charter Schools
DATE: Monday, February 08, 2016
TIME: 2:00 PM
COMMITTEE(S): House Committee on Education
ROOM: Conference Room 309
FROM: Tom Hutton, Executive Director
State Public Charter School Commission

Testimony partly in opposition to HB 2214

Chair Takumi, Vice Chair Ohno, and members of the Committee:

Thank you for this opportunity to submit this testimony expressing serious concerns about this proposed measure.

First, the bill proposes eliminate from Hawaii’s charter law key quality safeguards for the Board of Education’s creation of additional charter school authorizers in our state. Charter authorizing is an incredibly complex, critically important endeavor and not for the faint of heart. The Board of Education is moving expeditiously to promulgate what we believe to be responsible draft administrative rules that address the serious perils that would attend the creation of new authorizers under the present circumstances, including by addressing the danger of authorizer shopping and by recognizing the need for authorizer accountability based on the performance of the charter schools in the authorizer’s portfolio.

Second, the bill would mandate requirements for the distribution of federal funds that we believe unreasonable. The Commission adheres to procedures for federal fund disbursements to the Commission and charter schools that were prepared by the Department of Education (DOE) in response federal compliance concerns. We would encourage the Committee to contact the DOE for verification.

Third, the bill would change the definition of financial insolvency adopted by the Legislature in response to painful lessons learned from the failure of Halau Lokahi Charter School. The proposed language would contemplate a school continuing even after failing to make payroll.

Finally, the bill would authorize public charter schools to retain private legal counsel for certain purposes. At this point the Commission will defer to the Department of the Attorney General on this question, although our understanding is that this request has been made of the Governor in the past and that the Department advised against it.

Thank you for your consideration of this testimony.