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

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FOR: HB 1220 HD2 Relating to Charter Schools  
DATE: February 24, 2021  
TIME: 2:00 P.M.  
COMMITTEE: Committee on Finance  
ROOM: Conference Room 308  
FROM: Yvonne Lau, Interim Executive Director  
State Public Charter School Commission

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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 1220 HD2** which requires members of the charter school commission to collectively possess strong experience and expertise in various fields; allows the authorizer's staff to provide technical support up until the completed charter application is submitted; clarifies charter application notice requirements; and clarifies authorizer compliance requirements in cases of an appeal.

The Commission is appreciative of the changes made to HD1 with the proposed changes to Section 2, page 2, lines 11-14, of the HD2, wherein an “authorizer’s staff may provide technical support to a prospective charter school applicant or an applicant governing board up until the completed charter application is submitted to the authorizer.” However, page 8, lines 19-21 still creates a conflict for the Commission’s staff if they are required to provide “technical assistance in the completion of the incomplete application” which would occur AFTER the application is submitted. In order to be consistent with the language on page 2 of HD2, there cannot be further technical assistance to applicants to complete their incomplete application. We ask that the inconsistent language on page 8, line 19-21 be removed.

With respect to all of these proposed changes in all sections of this bill, the Commission offers that §302D-13, HRS, be simplified by amending the language to the proposed changes found on pages 3 through 5 of this testimony (proposed changes are highlighted). The Commission

believes this will address the concerns raised in the proposed bill and simplifies the charter school application process altogether.

The Commission looks forward to collaborating with the committee, other interested stakeholders, and public charter schools in moving this legislation forward.

Thank you for the opportunity to provide this testimony and for your consideration.

## Proposed Amendments to Section 302D-13, HRS

**§302D-13 Start-up and conversion charter schools; establishment.** (a) New start-up and conversion charter schools may be established pursuant to this section.

(b) Any community, department school, school community council, group of teachers, group of teachers and administrators, or nonprofit organization may ~~submit a letter of intent to an authorizer to form a charter school and~~ establish an applicant governing board ~~[. An applicant governing board may]~~ and develop a charter application pursuant to this section; provided that:

(1) An applicant governing board established by a community may develop a charter application for a start-up charter school;

(2) An applicant governing board established by a department school or a school community council may develop a charter application for a conversion charter school;

(3) An applicant governing board established by a group of teachers or a group of administrators may develop a charter application for a start-up or conversion charter school; and

(4) A nonprofit organization may:

(A) Establish an applicant governing board that is separate from the nonprofit organization and develop a charter application for a start-up or conversion charter school; or

(B) Establish an applicant governing board that shall be the board of directors of the nonprofit organization and may develop a charter application for a conversion charter school; provided that any nonprofit organization that seeks to manage and operate a conversion charter school shall:

(i) Submit to the authorizer at the time of the charter application bylaws or policies that describe the manner in which business is conducted and policies that relate to the management of potential conflict of interest situations;

(ii) Have experience in the management and operation of public or private schools or, to the extent necessary, agree to obtain appropriate services from another entity or entities possessing such experience;

(iii) Not interfere in the operations of the department school to be converted until otherwise authorized by the authorizer in consultation with the department; and

(iv) Have the same protections that are afforded to all other governing boards in its role as the conversion charter school governing board.

(c) The charter school application process and schedule shall be determined by the authorizer, and shall provide for and include, at a minimum, the following elements:

(1) The issuance and publication of a request for proposals by the authorizer on the authorizer's internet website that, at a minimum:

(A) Solicits charter applications and presents the authorizer's strategic vision for chartering;

(B) Includes or directs applicant governing boards to the performance framework developed by the authorizer in accordance with section 302D-16;

(C) Includes criteria that will guide the authorizer's decision to approve or deny a charter application;

(D) States clear, appropriately detailed questions and provides guidelines concerning the format and content essential for applicant governing boards to demonstrate the capacities necessary to establish and operate a successful charter school; and

(E) Requires charter applications to provide or describe all essential elements, as determined by the authorizer, of proposed school plans;

~~[(2) The submission of a letter of intent to open and operate a start-up charter school or to convert a department school to a conversion charter school;]~~

~~[(3)]~~ (2) The [timely] submission of a [completed] charter application to the authorizer; provided that a charter application for a conversion charter school shall include certification and documentation that the charter application was approved by a majority of the votes cast by existing administrative, support, and teacher personnel, and parents of students at the existing department school; provided that:

(A) This vote shall be considered by the authorizer to be the primary indication of the existing administrative, support, and teaching personnel, and parents' approval to convert to a charter school;

(B) The balance of stakeholders represented in the vote and the extent of support received in support of the conversion shall be key factors, along with the applicant's proposed plans, to be considered by the authorizer when deciding whether to award a charter; and

(C) A breakdown of the number of administrative, support, and teaching personnel, and parents of students who constitute the existing department school and the number who actually participated in the vote shall be provided to the authorizer;

~~[(4) The timely review of the charter application by the authorizer for completeness, and notification by the authorizer to the applicant governing board that the charter application is complete;]~~

~~[(5)]~~(3) Upon receipt of a [completed] charter application, the review and evaluation of the charter application by qualified persons including but not limited to:

(A) An in-person interview with representatives from the applicant governing board; and

(B) An opportunity in a public forum for the public to provide input on each charter application;

(6) Following the review and evaluation of a charter application, approval or denial of the charter application by the authorizer in a meeting open to the public;

(7) A provision for a final date by which a decision to approve or deny a charter application must be made by the authorizer, upon receipt of a **complete** charter application; and

(8) A provision that no charter school may begin operation before obtaining authorizer approval of its charter application and charter contract and fulfilling pre-opening requirements that may be imposed by the authorizer, pursuant to section 302D-14.5.

(d) A charter application to become a start-up or conversion charter school shall meet the requirements of this subsection, section 302D-25, and any other requirements set by the authorizer. The charter application shall, at a minimum:

(1) Include plans for a charter school that are likely to satisfactorily meet the academic, financial, organizational, and operational performance indicators, measures, and metrics set forth in the authorizer's performance framework, pursuant to section 302D-16;

(2) Include plans for a charter school that is in compliance with applicable laws; and

(3) Recognize the interests of the general public.

(e) In reviewing a charter application under this section, an authorizer shall take into consideration the constitution of the applicant governing board, terms of applicant governing board members, and the process by which applicant governing board members were selected.

(f) In reviewing charter applications under this section, an authorizer shall develop a schedule to approve or deny a charter application by the end of the calendar year prior to the opening year of the proposed charter school for purposes of meeting any deadlines to request funding from the legislature; provided that nothing in this section shall be construed as requiring an authorizer to accept and review charter applications annually.

(g) If a conflict between the provisions in this section and other provisions in this chapter occurs, this section shall control. [L 2012, c 130, pt of §2; am L 2013, c 159, §8; am L 2014, c 99, §9; am L 2015, c 114, §5; am L 2016, c 113, §3]



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

**House Committee on Finance**

Wednesday, February 24, 2021  
2:00 p.m.  
Via Videoconference  
Hawaii State Capitol, Room 308

**House Bill 1220, House Draft 2, Relating to Education**

Dear Chair Luke, Vice Chair Cullen, and Members of the Committees:

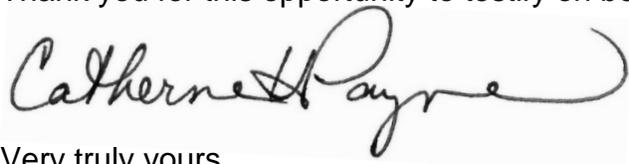
The Board of Education ("Board") appreciates the intent of HB1220 HD2 but has comments. HB1220 HD2 would allow an authorizer's staff to provide some technical support to prospective charter school applicants and applicant governing boards, among other things.

The Board supports measures that would ensure meaningful yet reasonable accountability of charter schools and their authorizers, including adequate resources and support that ensure such accountability is achievable. The Board, however, opposes measures that could weaken the effectiveness of any accountability necessary for a high-quality charter school system.

The Board **opposes** the provision that would allow a charter school authorizer's staff to provide technical support to a prospective charter school applicant or an applicant governing board up until the completed charter application is submitted. Statute already allows an authorizer to provide technical support provided that it does not "directly and substantially impact any authorizer decision related to the approval or denial of the charter application or the renewal, revocation, or nonrenewal of the charter contract." By including this new language, this bill would essentially allow an authorizer's staff to provide technical support to prospective charter school applicants and applicant governing boards that could "directly and substantially impact any authorizer decision related to the approval or denial of the charter application." This runs counter to the role of the authorizer and national best practices for charter school authorizing and risks weakening the effectiveness of accountability of the charter school system in the developmental stages for charter schools.

The Board recognizes that the charter schools and charter applicants lack support, and the Board has raised this issue with the Legislature through its most recent annual charter school reports. Asking authorizers whose primary role is the accountability of charter schools to also provide this support is not the answer. Instead, we encourage the Legislature to engage in a conversation with the Board about potential ways to provide centralized support for the charter school system.

Thank you for this opportunity to testify on behalf of the Board.

A handwritten signature in black ink that reads "Catherine Payne". The signature is written in a cursive style with a large, sweeping flourish at the end.

Very truly yours,

Catherine Payne  
Chairperson, Board of Education  
Chairperson, 2021 Legislative Ad Hoc Committee



**HB1220 HD2**  
RELATING TO CHARTER SCHOOLS  
Ke Kōmike Hale o ke ‘Oihana ‘Imi Kālā

Pepeluali 24, 2021

2:00 p.m.

Lumi 308

The Office of Hawaiian Affairs (OHA) Beneficiary Advocacy & Empowerment Committee will recommend that the Board of Trustees **SUPPORT** HB1220 HD2, which will provide additional guidance and needed equity for charter schools and future charter school applicants.

OHA seeks to strengthen and empower charter schools, especially those that respond directly to the needs of Native Hawaiian haumāna and communities. Since FY 2005-2006, OHA has invested almost \$22 million in 17 Native Hawaiian culture-based and Hawaiian language immersion charter schools. OHA also remains committed to uplifting educational opportunities for Native Hawaiian keiki: its most recent strategic plan’s strategic priority of ho‘ona‘auao (education) is now reflected in OHA’s new strategic direction of supporting and strengthening educational pathways, including Hawaiian culture-based education opportunities such as those provided by our Hawaiian culture-based and Hawaiian language immersion charter schools.

OHA accordingly appreciates and supports this measure’s effort to require the Hawai‘i Public Charter School Commission (Commission) to provide support and guidance to applicants for new charter schools as well as feedback regarding charter application denials. The National Association of Charter School Authorizers (NASCA) has issued guidance urging authorizers to provide technical support for charter school applicants as an essential best practice.<sup>1</sup> Additionally, NASCA also recommends that authorizers make every effort to “uphold school autonomy.” **By requiring the Commission to provide feedback to charter school applicants, this measure would help empower potential charter schools to improve and establish themselves successfully.**

OHA notes that the original draft of this measure sought to facilitate the establishment of additional charter school authorizers. NASCA recommends that charter school systems utilize multiple authorizers to ensure bureaucratic efficiency and effectiveness. However, the Hawai‘i Charter School Commission is Hawai‘i’s only charter school authorizer and, as a result, has historically been overburdened by the volume of schools it supervises and applications it receives. As recently as 2016, the Commission oversaw thirty-four public charter schools, more than twice the number recommended by

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<sup>1</sup> National Association of Charter School Authorizers, NASCA SPOTLIGHT ON ESSENTIAL PRACTICES 11-14 (2011).

**NASCA. Originally, this bill intended to enable other accredited educational institutions to authorize public charter schools. Such a provision would allow the State kuleana to the charter schools to be more broadly distributed to improve access to and local autonomy of charter school education.**

Accordingly , OHA respectfully urges this Committee to consider restoring language in this measure to facilitate the establishment of additional authorizers, such as that found in SECTION 2 of the original draft of HB1220.

OHA urges the Committee to **PASS** HB1220 HD2. Mahalo nui for the opportunity to testify on this important measure.

**HB-1220-HD-2**

Submitted on: 2/22/2021 12:56:31 PM

Testimony for FIN on 2/24/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jhernie Evangelista	Individual	Support	No

Comments:

I STRONGLY support HB1220. It paves the way for stronger accountability of the Hawai'i State Charter School Commission and charts a path to stronger authorizing of high quality public charter schools in the state.

**HB-1220-HD-2**

Submitted on: 2/22/2021 5:32:02 PM

Testimony for FIN on 2/24/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members,

Please support HB1220. Charter schools are underperforming public schools likely due, in part, to the lack of qualifications of teachers.

Thank you,

Andrea Quinn

**HB-1220-HD-2**

Submitted on: 2/23/2021 1:59:20 PM

Testimony for FIN on 2/24/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rana Boone	Individual	Support	No

Comments:

Please support HB1220. Mahalo!