



Andrew Jones <jonesbaron23@yahoo.com>

08/14/2016 01:49 PM

To testimony_boe@notes.k12.hi.us
cc

Subject Testimony for General Business Meeting, Tues., Aug. 16, 2016

Name: Andy Jones

Position: Language Arts teacher, Radford High School

Business Item: General Business Meeting, VI A and B on the DOE Strategic Plan and the Governor's ESSA Task Force

Position: Comment

The following is the text of a guest column I have submitted to the Honolulu Star-Advertiser, and it pertains to the National Conference of State Legislatures new educational policy brief: No Time to Lose.

Alarm, overhaul, stagnation, denial, recognition. Repeat ad infinitum.

Students of educational history will recognize in these five words the cycle that has defined American school culture for decades.

Thirty-three years ago the *A Nation at Risk* report rang the alarm of educational decline. Its clarion call for improved public education resounded for the next generation and led eventually to initiatives such as *No Child Left Behind* and *Race to the Top* – programs that inaugurated sweeping, possibly irreversible changes to schools and school communities across the country.

A consensus has now emerged that these changes have led to dismal failure – a consensus signaled by the *Every Student Succeeds Act* (ESSA), which emphatically seeks to reverse the damage done, in part by giving states back the freedom to define and enact their own vision of 21st-century education.

On the heels of ESSA and the widespread discussion it has initiated, the National Conference of State Legislatures (NCSL) has released a report that may prove as decisive as *A Nation at Risk*. The title – *No Time to Lose: How to Build a World-Class Education System State by State* – is misleading in that it seems to announce a mere repeat of the alarmist tone of *A Nation at Risk*, perhaps to be followed by a new round of dubious policy suggestions from non-educators.

However, in what must come as a welcome shock to educators accustomed to routine governmental denial of policy failure, *No Time to Lose* fully acknowledges the mistakes of the past fifteen years and seconds the sustained criticisms of prominent researchers such as Diane Ravitch and Pasi Sahlberg. These and many others have analyzed the extensive OECD reports on international education and have concluded that the misguided “reforms” of the past years have had an overwhelmingly negative impact on American schools, leading to ever further decline internationally. They have also highlighted an additional, sinister aspect of these “reforms,” which have involved the gradual removal of educational decisions from the purview of teachers and educators and the corresponding enrichment of educational corporations profiting from the proliferation of mediocre materials and programs that schools are forced to use.

We are fortunate to be living in a state led by a governor who recognizes what is at stake and

who has created a robust task force that is working to establish grassroots consensus as to what is best for Hawai'i schools and the students they serve. We are also fortunate to have an increasingly dynamic teachers union that has sponsored a teacher-written report – *Schools Our Keiki Deserve* – which echoes the advice of our top educational researchers as well as the urgent tone of *No Time to Lose* .

DOE officials have shown signs recently that they are beginning to veer away from the pattern of denial that for years has characterized state and district education departments across the country. They have, for instance, conceded the unhealthy aspects of standardized testing, and they have also begun to embrace the idea of whole-child education as practiced in the world's top-performing school systems.

As the DOE continues revising the Strategic Plan which will guide Hawai'i education over the course of the coming years, teachers and citizens should encourage DOE officials to fully embrace the sobering findings of *No Time to Lose* , the tremendous energy and wealth of ideas emerging from Governor Ige's task force, and the *Schools Our Keiki Deserve* report, which outlines a plan that is fully in accordance with the best educational research – one that can and should be integrated into the blueprint of the document that will determine much of what happens in our schools.

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David Negaard <draagen@gmail.com>

08/15/2016 08:35 AM

To testimony_boe@notes.k12.hi.us
cc
Subject TESTIMONY: Human Resources
Committee - August 16, 2016

NAME:

David Negaard

MEETING:

Human Resources Committee - August 16, 2016

AGENDA ITEM:

Committee Action on salary adjustments for the Department of Education's Deputy Superintendent, Assistant Superintendents, and Complex Area Superintendent

POSITION:

Oppose

Respected Chair DeLima and Human Resources Committee:

My name is David Negaard, and I'm a public school teacher on Maui.

In Sunday's Star Advertiser, writer Nanea Kalani reported that the Department of Education is seeking 4.5% raises for selected senior executives to "assist in recruiting and retaining high quality individuals with the knowledge, skills, and abilities to succeed in the department's leadership positions and drive advancement in the strategic initiatives," as argued by Superintendent Matayoshi. I am unaware of any current or impending staffing shortage in the specified positions, which leads me to question the urgency of this action, which follows on the heels of a 4% raise last year.

These senior executive positions earn six figures and are fully staffed. Why, then, is a raise necessary to recruit and retain? I rather thought the individuals already in those positions were already "high quality individuals with the knowledge, skills, and abilities" required. Is this a solution in search of a problem?

On the other hand, school opened this year with approximately 600 teaching positions unfilled. That directly impacts many thousands of students daily. If increased compensation is seen as important in "recruiting and retaining high quality individuals," would that not apply equally to teachers, where there is a demonstrable shortage and true urgency. In chronic teacher shortages, we clearly have a problem desperately searching for a solution.

Teachers and the Board must work together to address the several causes of teacher attrition and cannot afford to ignore the importance of compensation among those factors. When Hawai'i public school teacher compensation is 50th in the nation (adjusted for cost of living), it has a significant impact. While most of us teach for the love of our students and our world, love doesn't put food on the table or a roof over our heads, and it is unjust to exploit our love of our work at our considerable expense.

Whatever the committee's action on the proposed compensation increase, I implore the Board to remember the importance of compensation in recruitment and retention in any position, and ally with teachers as they seek to redress the injustice with respect to teacher compensation. The collective voices of teachers and the BoE united are powerful in the Legislature and everywhere.

Together, we can ensure that every public school student in Hawai'i has qualified teachers in every classroom.

Mahalo for your consideration,

--

David Negaard

"Man is most nearly himself when he achieves the seriousness of a child at play." -Heraclitus

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Testimony to the Hawai'i Board of Education

TO: Hon. Brian DeLima, Chair, and Human Resources Committee

Tuesday, August 16, 2016, 9:30 a.m., Queen Liliuokalani Building

Agenda Item: OPPOSE [Committee Action on salary adjustments for the Department of Education's Deputy Superintendent, Assistant Superintendents, and Complex Area Superintendent](#)

FROM: Mireille Ellsworth, Teacher, Waiakea High School, Hilo

Dear Chair DeLima and Human Resources Committee:

My name is Mireille Ellsworth, and I'm a teacher at Waiakea High School in Hilo.

Below are a sampling of the many comments on the Star-Advertiser's web page in response to Nanea Kalani's article in Sunday's paper regarding proposed salary increases for the top DOE positions. Notice, there are NO responses in favor of this idea (and I only omitted two which were also negative).

First of all, if I were in a top position in the DOE, I would fire the person hired for public relations for the HIDOE. The public perception of HIDOE leadership is abysmal. While I don't agree with many of the respondents that those in the top positions "do no work," I must wholeheartedly agree that salary increases would be a horrific public relations move, but the justification given that these positions are in any way "hard to fill" is insulting to the hard-working teachers and administrators in the schools, you know, the people who know the students' names and the ones who most influence the actual human development and learning of our island's most precious resource, our keiki.

Perhaps the most revealing thing about this request is the inability of top HIDOE officials to prioritize where resources would best be spent in the HIDOE budget. For Sup. Matayoshi to admit that there is money for these salary increases makes teachers, like me, upset when we are the lowest paid teachers in the nation when taking into consideration the cost of living. Many of us still teaching have sacrificed our own financial security to remain in the classroom in this state. We have endured Furlough Fridays, policies that deny those with master's degrees the opportunity to reclassify, and continued scrutiny using an invalid and unreliable form of evaluation to demonstrate our value.

Peruse the below comments, think about the teacher shortages and crumbling facilities, and ask yourselves, "Is this the right move at this time?" I know your expertise and intelligence will lead you to the right conclusion, "Not now."

Thank you,

Mireille Ellsworth,
Teacher,

Waiakea High School,
Hilo

what says:

August 14, 2016 at 1:04 am

Is this a joke? The kids are sweating in classrooms with no air conditioning, broken desks, and hundred year old overcrowded, over capacity, delapidated buildings, and they want a pay raise?

localguy says:

August 14, 2016 at 8:21 am

“Let them eat cake” is the motto of Kathryn and her deadwood bureaucrats. No leadership skills at all, just career bureaucrats.

allie says:

August 14, 2016 at 9:16 am

agree. There is not any reason to give any of the top leadership raises. They have been very poor leaders and have not improved their performance.

OIOIO says:

August 14, 2016 at 11:51 am

Most of this top heavy system needs to be done away with. Keep the complex area sups but get rid of the rest of the needless bureaucracy

danji says:

August 14, 2016 at 4:50 am

Where does matayoshi have the funds to cover the raises? Was those funds allotted t for something else? And the DOE has to abolish some of these positions which is all internal politics positions. Even Matayoshi’s position is political-what accomplishment has attained so far(none). Isn’t she a lawyer? Anyway this is how our government works just reward complacency.

cojef says:

August 14, 2016 at 5:09 am

State DOE administrators do not make tough decisions, they only follow guidelines dictated by the Federal DOE. Top heavy management positions, half of staff could be eliminated without any affect on administration. They just make sure the “T’s” are crossed and “I’s” are dotted.

Cellodad says:

August 14, 2016 at 9:25 am

Not to defend the denizens of the Lili Bldg. (they don't like me much and the feeling is reciprocated) but your description of the executive process of the HIDEOE is not accurate. You completely fabricated your explanation from the whole cloth. (Please recall the 10th Amendment to the Constitution. The function of the US DOE has historically been hortatory and not prescriptive. With the demise of NCLB, there are fewer sources of federal funding to use as leverage and the function of that Dept. is returning to what it once was.)

localguy says:

August 14, 2016 at 8:10 am

The Nei set a goal for 100% renewable energy. This goal could be achieved today if all the gas coming out of the schools Superintendent office could be harnessed.. Incredible so much gas from one office. Wow.

What schools Superintendent Kathryn Matayoshi, a career bureaucrat, willfully fails to understand is pay raises, like respect, must be earned. Not one of the bureaucrats she wants to give a pay raise has done anything to earn it. No reduction of education expenses, no new initiatives which actually work, no real improvement in testing scores. Just shuffle and pass paper, their standard.

I would tell Kathryn she can have the pay raise but to get the money she will have to eliminate enough deadwood BOE/DOE positions to cover the costs. Even then there would still be hundreds of deadwood positions to eliminate.

Lets send a crystal clear message to Kathryn to clean up this mess, have people do their jobs to standard, save taxpayer's money, improve the education experience. After 5 years of vetted progress we'll consider talking about pay raises.

Wazdat says:

August 14, 2016 at 6:01 am

Total WASTE of money !! and a complete JOKE that an Assistant makes that much, INSANE !!

whs1966 says:

August 14, 2016 at 6:06 am

[From the article, "The recommended compensation adjustments will assist in recruiting and retaining high quality individuals with the knowledge, skills, and abilities to succeed in the department's leadership positions and drive advancement in the strategic initiatives," schools Superintendent Kathryn Matayoshi wrote in a memorandum to Brian De Lima, chairman of the board's Human Resources Committee.] Why does this logic hold only for these people but, of course, not for teachers? Do the BOE members and the DOE "leaders" not realize that our public schools began this school year short over 600 teachers? This has been the case for years, even decades, yet these DOE caretakers continue to pretend they are working hard. What nonsense. Exacerbating the teacher shortage is a shortage of qualified substitute teachers. Since long-term subs earn the same base daily salary they earn for short term assignments but are expected to

work much harder, few subs are willing to fill these critical long-term sub assignments. Q: Who loses? A: Our public school student. Shame on Matayoshi and her gang of do-nothings. It's no wonder the governor has gone to outsiders like Darrel Galera's group to explore ways to improve the DOE.

localguy says:

August 14, 2016 at 8:15 am

Nothing but bureaucratic spin from Kathryn. Just bureaucrats helping fellow bureaucrats rip off taxpayers. Way too much deadwood leeching off of taxpayers.

Pay raises, like respect, must be earned. Never happens with loser educational bureaucrats. They mistakenly feel it is their birthright to always receive undeserved pay raises.

We should set standards for pay raises to only equal to match the ones given to federal workers. No reason at all to waste more money on our never ending educational money pit.

americantaxpayer says:

August 14, 2016 at 6:33 am

One would think we'd already have a moratorium on any new tax until we get our fiscal house in order. We can't even pay enough in taxes to cover the city and county for rail and now DOE wants to further tax our hard earned income to be used for senior leadership raises just to stay even with other salaries! Are they serious? Those in charge are heading us down a path widening the gap between the have's and have not's. Worst part it isn't even based on their job performance....AUWE!

LittleEarl_01 says:

August 14, 2016 at 6:34 am

"Six assistant superintendents and 15 complex-area superintendents." Top heavy I would say. Why do the superintendents need assistants? Just do your job.

wunnee says:

August 14, 2016 at 7:34 am

Agreed, and that's the tip of the iceberg. Recently there was an article about a teacher shortage. The reality is that the most expensive of the 13,500 teachers are not in the classroom at all or full time. Many of these "teachers" spend their time fulfilling DOE executive agendas thereby covertly shifting personnel cost onto HSTA and shielding DOE leadership from accountability. This dysfunction is prevalent at the school level all the way to State level offices.

localguy says:

August 14, 2016 at 8:29 am

Exactly. 21 pure deadwood, do nothing, shuffle paper, look busy, make work, bureaucratic positions ripe for elimination. With all the money saved more school supplies could be purchased, putting the students needs as number one.

Truth is the Nei's educational bureaucracy is unmatched. So much money wasted on obtuse bureaucrats. No one really has a credible job to directly assist students and teachers in the classroom. Bureaucrats coasting to retirement.

Sad to say Kathryn is not putting the needs of students before hers. All about taking care of #1.

Txpyer says:

August 14, 2016 at 7:10 am

What the heck?! The DOE has more important issues to resolve such cooling schools, restoring classrooms, filling vacant teacher positions, etc. Stop fattening the fat at the top! Better yet, get rid of the executives that failed to resolve these long standing issues.

roxie says:

August 14, 2016 at 7:47 am

DOE Admin is extremely top heavy....teachers who are in the trenches are the ones that should be receiving the raises....look at the shortage of 600+ teachers. I have to put blame on administration for not coming up with a comprehensive plan to fill these vacancies. This is inexcusable and some heads should roll. According to my family members whom are teachers have stated that a lot of incompetent teachers go into administration because they can't cut it in the classroom, which makes incompetent administrators.

hawn says:

August 14, 2016 at 8:08 am

The state Department of Education says it's seeking 4.5 percent raises for more than 20 senior executives to help with recruitment and retention, and to keep up with raises awarded to school principals. The recommended compensation adjustments will assist in recruiting and retaining high quality individuals with the knowledge, skills, and abilities to succeed in the department's leadership positions and drive advancement in the strategic initiatives,"

"We're hopeful that the Board will acknowledge the work of the executive and complex-area teams and match the raises that HGEA provides to its members,"

The past twenty years the DOE hasn't been able to recruit and retain high quality individuals executives. What good work has the executive and complex teams done in the past twenty years. The whole public school system is a total failure. The only ones that the DOE has recruited and retained are the incompetent ones that could never make it in the private sector or the incompetent ones that got jobs as political favors. Why do they deserve a pay raise just because the principals got a raise, they were not deserving of a raise.

If the DOE was a private sector employer they would be out of business a long time ago, they are top heavy with incompetent personnel too high paid and the sad part of above it all most of the product they produce is of low quality.

Bdpapa says:

August 14, 2016 at 8:32 am

Absolutely not! Until they decrease the layers of bureaucracy they should get nothing. They spend too much money on administrative expenses.

Cellodad says:

August 14, 2016 at 9:36 am

(It might come as something of a surprise to find out that the State of Hawaii has among the lowest costs as regards the administration of education in the US. That's primarily because, with a single statewide educational entity, you don't find the administrative duplication present in states with bunches of school districts, boards of education, superintendents in each county and township, duplication of infrastructure and services, etc. (please recall: I'm no fan of the present structure of the HIDOE but I am rather partial to accuracy.))

kimo says:

August 14, 2016 at 8:56 am

Absolutely no! As everyone in this forum is saying, the DOE executives are a farce. Get rid of them all, their staff, their buildings and offices, their maintenance costs. Take the huge savings and pump it back into the schools. Let the principals organize a leadership team that manages system-wide governance as part of their duties. End the outdated, unresponsive, ineffective, costly bureaucracy now!

Cellodad says:

August 14, 2016 at 9:30 am

I recall sitting in the Lili Bldg. having a sandwich with then Supt. LeMahieu in 2000. In the course of our lunch, he told me that one of his goals was that school principals would be the highest-paid employees in the HIDOE since they were the administrative component that had the most impact on children and schools. It seems that during the last decade-and-a-half, that's an idea that has undergone a quiet death.

(He also had a plan to bring payroll and personnel procedures into the 20th century and get rid of the 3 x 5 index card system. I guess that didn't work either.)

Cellodad says:

August 14, 2016 at 9:42 am

(Whoops, sorry: "21st century") (If you really want to see the ugliness of sausages being made, find a way to look at the various unconnected components of the HIDOE administrative IT structure. Personnel, Payroll, Payments, Procurement, etc. It's a real banana republic mess.)

den says:

August 14, 2016 at 10:58 am

what the hell?

JustMyTwoPennies says:

August 14, 2016 at 11:03 am

“... will assist in recruiting and retaining ...”

1) How many people in these high paying six-figure salary positions actually leave?

Let's see some statistics.

2) If anyone actually leaves one of those positions, how hard is it to recruit one of their friends?

Let's see some numbers on how long one of these positions actually stays unfilled.

gmejk says:

August 14, 2016 at 11:25 am

Agree. What a joke. If one of those administrators are ever out, is their absence even felt by any teacher or student? Felt like the absence of an actual teacher in a classroom? Several friends of mine have children in classrooms that were staffed in school year 2015-16 by a substitute teacher with absolutely NO knowledge of the subject. They were being given worksheets and videos to watch over and over with no real instruction. This because they could not find a qualified science teacher to put in the classroom. That absence of a qualified teacher is more necessary to fill than some administrator in an office far from the real business of the job, which is educating the kids.

hilofokes says:

August 14, 2016 at 2:05 pm

“A number of educational officers are compensated at salaries higher than leadership employees and it is equitable to maintain appropriate pay relationships.” “We're hopeful that the Board will acknowledge the work of the executive and complex-area teams and match the raises that HGEA provides to its members.”

Oh boy. Sure sounds terrific. IF there were any sense at all that the DOE is at all functional. Teacher shortage. A/C. Not to mention student/school achievement. Anyone out there – besides DOE administrators and principals – who would say that the schools are performing at acceptable levels?

Absolutely no to these pay raises. And too bad it sounds like the “educational officers” succeeded in negotiating their pay raises already.

NĀ LEI NA‘AUAO

Alliance for Native Hawaiian Education & Friends

August 15, 2016

Board of Education
State of Hawaii
1390 Miller Street, Room 405
Honolulu, Hawaii 96813
BOE_Hawaii@notes.k12.hi.us

Board of Education TESTIMONY: Tuesday, August 16, 2016

VII. Public Testimony on Board Agenda Item V.D. Report on Investigative Committee investigating special review of State Public Charter School Commission...

Humbly request the Board authorize a timely special review of the Commission and entertain provisions to protect schools through the 2017 contract renewal process.

The longstanding issues between the charter schools and the commission have not improved since charter leaders approached the Board and Commission requesting clarity regarding the vision of the charter school movement in October 2015. The Governing Boards and School Administrators have been experiencing:

1. Breach of contract;
2. Disregard for State and Federal law;
3. Disregard for National Best Practice, Principles and Standards of Charter School Authorizing;
4. Disregard for Generally Accepted Accounting Standards;
5. Disregard for due process;

An example of the above five issues can be made clear using the topic of charter school finance. There were many concerns expressed during the listening tour regarding finances.

Commission Audits:

Concerns manifested from schools as a result of the last two external financial audits of the charter school commission office which proved overspending all the while charters were experiencing, inappropriate per-pupil allocations, lack of information regarding federal funding and collective bargaining disbursements, withholding of funds and delayed reimbursements.

On page 17 of the most recent Charter School Office External Audit done by CW Associates the financials clarified, in 2014 there was an **excess of expenses over revenue of \$(656,709); in 2015 \$(485,306) resulting in a net financial deficit of \$(367,592)**. Additionally, the financials in the audits DO NOT match the last two annual reports done by the charter commission and presented to the BOE and Legislature.

STATE PUBLIC CHARTER SCHOOL COMMISSION
(An agency of the State of Hawaii)

STATEMENT OF ACTIVITIES

For the Year Ended June 30, 2015
(With Prior Year Comparative Information)

<u>Functions/Programs</u>	2015			2014		
	<u>Expenses</u>	<u>Operating Grants Revenues</u>	<u>Net (Expenses) Revenues and Changes in Net Position</u>	<u>Expenses</u>	<u>Operating Grants Revenues</u>	<u>Net (Expenses) Revenues and Changes in Net Position</u>
Governmental activities						
Support and administrative services	\$ 1,526,889	\$ -	\$ (1,526,889)	\$ 1,924,637	\$ -	\$ (1,924,637)
Instructional enhancement	<u>2,030,615</u>	<u>2,030,615</u>	<u>-</u>	<u>2,218,815</u>	<u>2,218,815</u>	<u>-</u>
Total governmental activities	<u>\$ 3,557,504</u>	<u>\$ 2,030,615</u>	<u>(1,526,889)</u>	<u>\$ 4,143,452</u>	<u>\$ 2,218,815</u>	<u>(1,924,637)</u>
General revenues						
Administrative fees charged to schools			967,558			1,235,363
Other grants and income			<u>74,025</u>			<u>32,565</u>
Total general revenues			<u>1,041,583</u>			<u>1,267,928</u>
Excess of expenses over revenues			(485,306)			(656,709)
Net position – beginning of year			<u>117,714</u>			<u>774,423</u>
Net position (deficit) – end of year			<u>\$ (367,592)</u>			<u>\$ 117,714</u>

See accompanying notes to the financial statements

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The State Auditors Study of Public Charter Schools’ Report Number 15-14, December 2015, page 10, found, “the financial data schools must currently submit to the State Public Charter School Commission do provide indications of possible financial stress. However, **human error and inexperience among commission staff contributed to their inability to recognize and interpret the information....**”

Per-Pupil Allocation, Federal Funding Disbursements and Fringe Benefits Reimbursements: For the first time in Hawaii’s history **in 2015, the per-pupil funding allocated by the State legislature WAS NOT disbursed appropriately by the commission office and in accordance with HRS §302-D28** (attached).

The charter funding matrix is very complicated and includes various forms of funding from different legislative budget cost categories and other sources to include but not limited to:

- EDN 600 Per-Pupil Allocation – formula driven State allocated funds derived by the projected enrollment count on May 15th collected by the Commission
- EDN 650 Charter School Commission Office
- Federal Formula Driven Funds – provided to Hawaii by the federal government based on the number of students it serves, allocated to the SEA through the DOE to the Commission then the Schools, examples: Title 1, Title II, Impact Aid

- Federal Discretionary Funds – competitive federal grants awarded to Hawaii, example: early education grant
- Fringe Benefits Reimbursements – charter schools pay for the fringe benefits of their public school employees up front and get reimbursed from Budget & Finance through the Commission
- Collective Bargaining Increases – the legislature sets some collective bargaining supports for public charter school employees however those supports are provided to the DOE and must be worked out with the Commission who in turn should send them to the schools
- Grants-In-Aid – the legislature awards and appropriates grant-in-aid support to charter communities through a host department.

All the while many charter schools were being highly scrutinized by the Commission for not having enough “days-cash-on-hand” outside of the parameters of the bilateral contract financial framework and put on financial monitoring while receivables were not being counted and component unit private supports were being discredited.

There are also many issues with timely disbursements, withholding of funds, questionable calculation in the timeframes where formal external audits reflect over spending of the commission office. The actions of the Commission and its staff have been outside of their scope and not in accordance with best practice where the Bilateral Charter School Contract, General Accepted Accounting Practices and Best Practice in Charter Authorizing is key.

With impending contract renewal in 2017, please also consider some intervention regarding extenuating circumstances of an authorizer and charter relationship during contract renewal.

The intent of the Commission and its staff to undermine community empowerments and due process rights of community by eliminating transparency became very evident this past legislative session. The Commission formally presented to the legislature that they intended on closing several schools. The commission legislative agenda focused on an elimination of due process rights to include:

1. Exempt the Commission from Chapter 92 - Government agencies exist to aid the people in the formation and conduct of public policy. Opening up the government processes to public scrutiny and participation is the only viable and reasonable method of protecting the public’s interest.
2. Exclude the Commission from requirements of Contested Case Hearings - State agencies that make decisions that could affect people’s “rights, duties, and privileges” must have a process for holding contested case hearings to provide the decision-makers with the most complete and relevant information.
3. Exempt the Commission from provisions of Chapter §91 Public information - methods whereby the public may obtain information or make submittals or requests, adopt rules of practice, setting forth the nature and requirements of all formal and informal procedures available.

There is abundant charter expertise in Hawaii, with direct links to National experts to include Senator Ember Junge who is credited with passage of the first charter school bill in the Nation, The National Charter School Alliance, Charter Friends National Network, The Center for Education Reform just to name a few. We are willing and able to support collective efforts to improve the working relationship with the Commission, create new authorizers to balance the system while encouraging best practice and strengthening Hawaii's public education.

We support the BOE PIG recommendations and request Special Review and extenuating circumstance interventions as needed during contract renewal.

Me ka ha'aha'a,

Nā Lei Na'auao & Friends

For easy reference:

§302D-28 Funding and finance:

(d) Charter schools shall be eligible for all federal financial support to the same extent as department schools. The department shall provide all authorizers with all state-level federal grant proposals submitted by the department that include charter schools as potential recipients and timely reports on state-level federal grants received for which charter schools may apply or are entitled to receive. Federal funds received by the department for charter schools shall be transferred to authorizers for distribution to the charter schools they authorize in accordance with the federal requirements. If administrative services related to federal grants are provided to the charter school by the department, the charter school shall reimburse the department for the actual costs of the administrative services in an amount that shall not exceed six per cent of the charter school's federal grants.

Any charter school shall be eligible to receive any supplemental federal grant or award for which any department school may submit a proposal, or any supplemental federal grants limited to charter schools; provided that if department administrative services, including funds management, budgetary, fiscal accounting, or other related services, are provided with respect to these supplemental grants, the charter school shall reimburse the department for the actual costs of the administrative services in an amount that shall not exceed six per cent of the supplemental grant for which the services are used.

All additional funds generated by the governing boards, that are not from a supplemental grant, shall be held separate from allotted funds and may be expended at the discretion of the governing boards.

(e) Authorizers shall calculate a general fund per-pupil amount based upon the amount of general funds appropriated by the legislature and released by the governor and the projected enrollment amount used to calculate the general funds appropriated pursuant to subsection (a).

Authorizers shall submit a report to the legislature no later than twenty days prior to the convening of each regular session that contains each charter school's current school year projection that is used to submit

the budget request, the updated May 15 enrollment projection, the actual October 15 enrollment count, the authorizer's reviewed and verified enrollment count, and the November 15 enrollment count.

(f) To enable charter schools to access state funding prior to the start of each school year, foster their fiscal planning, enhance their accountability, and avoid over-allocating general funds to charter schools based on self-reported enrollment projections, authorizers shall:

- (1) Provide sixty per cent of a charter school's per-pupil allocation based on the charter school's projected student enrollment no later than July 20 of each fiscal year; provided that the charter school shall have submitted to its authorizer a projected student enrollment no later than May 15 of each year;
- (2) Provide an additional thirty per cent of a charter school's per-pupil allocation no later than December 1 of each year, based on the October 15 student enrollment, as reviewed and verified by the authorizer, only to schools in compliance with all financial reporting requirements; and
- (3) Retain no more than the balance of the remaining ten per cent of a charter school's per-pupil allocation, as a contingency balance to ensure fiscal accountability and compliance, no later than June 30 of each year;

Chapter §92

§92F-2 Purposes; rules of construction. In a democracy, the people are vested with the ultimate decision-making power. Government agencies exist to aid the people in the formation and conduct of public policy. Opening up the government processes to public scrutiny and participation is the only viable and reasonable method of protecting the public's interest. Therefore, the legislature declares that it is the policy of this State that the formation and conduct of public policy—the discussions, deliberations, decisions, and action of government agencies—shall be conducted as openly as possible.

Contested Case Hearings

“Contested case hearing” is the name for quasi-judicial administrative hearings governed by Hawaii state law. State agencies that make decisions that could affect people's “rights, duties, and privileges” must have a process for holding contested case hearings. The purpose of these hearings is to provide the decision-makers with the most complete and relevant information they need to make a proper decision.

Chapter §91-2 Public information.

(a) In addition to other rulemaking requirements imposed by law, each agency shall:

- (1) Adopt as a rule a description of the methods whereby the public may obtain information or make submittals or requests.
- (2) Adopt rules of practice, setting forth the nature and requirements of all formal and informal procedures available, and including a description of all forms and instructions used by the agency.



Lisa Morrison <lamorrison17@gmail.com>

08/15/2016 02:26 PM

To testimony_boe@notes.k12.hi.us

cc

Subject Testimony for HR Committee
regarding Salary Adjustments for
Superintendents

Honorable Chair Brian De Lima and Human Resources Committee Members,

My name is Lisa Morrison and I teach 8th grade at Maui Waena Intermediate School. Thank you for the opportunity to share my opposition to raising the salaries of Hawaii's superintendents.

Some teachers hope this will be the year the Department is willing to address the pay inequity that places Hawaii's teacher salaries at the very bottom nationwide, when adjusted for cost-of-living. For those who most closely effect the education of Hawaii's 180,000 students, it is painfully clear that the state's compensation priorities have not aligned with its Strategic Plan goal of "Staff Success," whose purpose is "to attract, prepare, and retain the best teachers."

While improving teacher salaries might not be a widely shared goal, improving learning conditions for students should be, which means providing students with well-qualified teachers who will remain in Hawaii classrooms because there is incentive to do so.

It's disheartening that the focus instead is on giving raises to more than 20 of the highest paid employees in the district, supposedly to "assist in recruiting and retaining high quality individuals," when these top-level executives already have a beginning salary that puts them in the top 10% of wage earners nationally. The Department fails to see the efficacy of higher pay when it comes to recruiting and retaining quality teachers, and this blindness has resulted in record high vacancies in teaching positions statewide across diverse subjects. That translates to thousands of students who sit in classes every day without a qualified teacher.

Let's consider the significance of the terms "recruit" and "retain" for a moment. Are these 6-figure superintendent jobs hard-to-fill positions? Is any one of the individuals currently holding these positions threatening to leave because they just can't make ends meet? And how is it that the Department has existing funds to cover these proposed increases, when they are simultaneously asking for cuts in other areas? Is it because the DOE is saving a bundle in compensation and benefits on the more than 600 still-vacant teaching positions, some of which are currently filled with poorly paid substitutes and emergency hires?

During the last legislative session, HSTA supported legislation that would have provided funding directly for education to address facilities, class sizes, support for small and rural schools, as well as teacher recruitment and retention through higher salaries. I witnessed one of the executives now being considered for a raise stammer without an adequate answer when House Education Committee Chair Roy Takumi asked if the Department could handle receiving this extra money for education. The extra money isn't needed at the top, but you'll find no such hesitation among teachers when you ask them if they could handle more money to do their job.

Please support significant salary increases for those working directly with students, not the executives who lack vision for what is really needed to improve student outcomes.

Mahalo,

Lisa Morrison

Maui Waena Intermediate

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**



cheryl burghardt <wgcb16@aol.com>

08/15/2016 01:35 PM

To testimony_boe@notes.k12.hi.us

cc

Subject Testimony regarding increased pay for employees HUMAN RESOURCES COMMITTEE ITEM 2

Dear Board of Education Members,

As a retired elementary teacher with 40 years experience, including here in Hawai'i, you know I can tell you stories about how the pay for teachers has always been a struggle to get a livable, professional wage. I've heard every argument for the reasons that have kept teachers' wages low. I've stood and written letters and went to legislators and boards. I've taken pay cuts, had no pay and had most of the insurance and other benefits eliminated while the work load got greater. This is something that you are all aware of as well. So I am not going to repeat all of those things.

Instead I am going to offer up these thoughts as you ponder the Superintendents' request for higher pay. Superintendent Matayoshi is the head of a huge system and I believe her pay should match that of other CEO's in similar work. It is even feasible that the Asst. Superintendents should be thought of in the same way. Our Hawai'i system is huge. As you filter through the system, there are even more people who earn over \$100,000 including building principals. What do I say? Good for them! Maybe it is the right amount of pay for what they do in their jobs.

However,

Every person in the system has an important job and each person's work links with someone else's to keep the system moving forward. How is it that the people farthest away from the children for whom the system is supposed to work get the MOST money allocated to their jobs. How is it that the people who sit in offices and rarely spend time near a classroom of our most vital keiki get paid the most? It has been that way since the first day I taught in the 1970's and continues today. The question remains why? How is it that a system can allow those who work most closely, daily basis, to be the poorest paid in the system? After 40 years of teaching, my highest amount ever for one year was \$50,000 which included paying for a percentage of my benefits. It included all of the extra professional development and a Master's degree. I wonder why the teaching profession is always at the bottom of the line for pay and what we do get we have to fight for and be accused of hurting the children.

So what do I suggest? Give the Superintendent etc. their pay raise under the condition that they work along with all of you to raise the amount of pay that other employees receive as well. Work with all other employees to find the monies and get public support for those people who work daily with our children. Here is a link that is not specific to education but to business but I think that it speaks well to the task at hand. <https://www.entrepreneur.com/article/252039> Three reasons to increase pay: 1. It will help keep and recruit talent 2. It improves employee satisfaction 3) It improves your company brand (in this case attitude towards DOE from community) Instead of a BOE/Supt. adversarial role with the HSTA and others, come up with a way to find the monies to truly pay educators a living wage. If Supt. Matayoshi can find the funds for their raises, then I am sure she can find the monies for everyone else as well. It's time that Hawai'i took the lead in showing people how much we respect our educators and children.

Mahalo for reading my comments.

Cheryl Burghardt

Retired educator , Community member

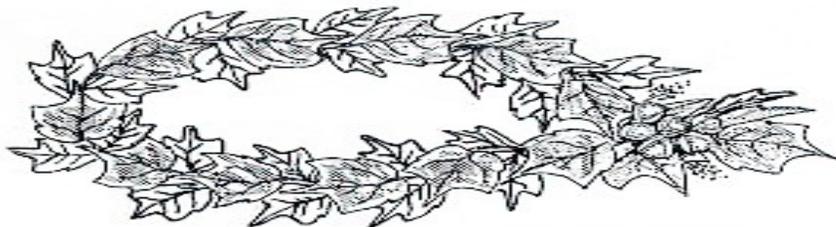
PS One last thought on our system. RIGHT NOW we are short teachers in classrooms. WHY

aren't all people with licenses working in the DOE right now in classrooms with kids? What is more important data collection or our children. Get the coaches out of offices and back in classrooms. Principals can teach. Get someone to fix the DOE's antiquated system of putting people on a list and get people hired and in classrooms. **KIDS SHOULD COME FIRST.**

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'A'ole pau ka 'ike i ka hālau ho'okahi

Connections Public Charter School

A Community, Business & Education Learning 'Ohana

August 16, 2016

Chairperson Mizumoto, Vice-Chair De Lima and Members of the Hawai'i Board of Education:

My testimony relates to agenda item V(D). I strongly support the Board authorizing a special review of the Hawaii State Public Charter School Commission using the proposed process found in Exhibit A and the establishment of an investigative committee tasked with conducting the special review and making recommendations to the Board.

During the Listening Tour process, I submitted testimony, both orally and in writing, documenting a Commission pattern of manipulating the law, our charter "contract" and the legislative process. This pattern has characterized the actions of the Commission and its former executive director for the past three years. The pattern continues and was blatantly evident at the last Commission meeting on August 11, 2016.

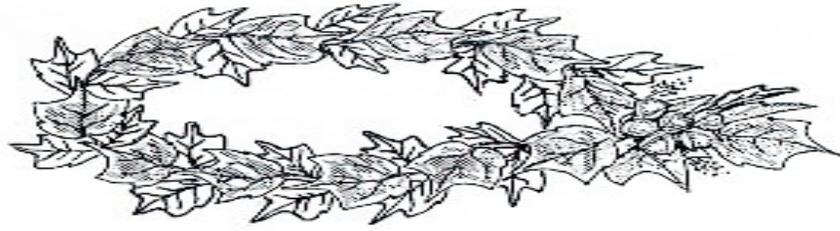
On July 14, 2016 I listened virtually to the Commission's General Business Meeting. I also testified both orally and in writing concerning several issues. The approved minutes of this meeting noted my first oral testimony: "John Thatcher, Director of Connections Public Charter School, shares that he attended the Governor's ESSA convention. There are some major concerns of how charter schools are being represented. Thatcher alleges that the charter school commission is exempt on how they distribute federal funds and references federal impact aid from the Department of Defense that targeted schools with populations of students of Micronesian ancestry, and stated that a percentage of the funds were taken out by the Commission. He cannot recall it being discussed at a Commission meeting and it seems like it was a decision made by Commission staff. Thatcher stated that it represented over \$3,000 dollars that should have gone to schools because of the formula based dispersion."

I also testified (in writing) at that meeting about my concerns with the hiring of a new Commission executive director. Please see my attached testimony.

After listening to hours of reports and discussions concerning schools under the Commissions Intervention Protocol, I requested the promulgation of administrative rules to clarify the Intervention Protocol. My request was discussed at the next Commission meeting (August 11, 2016) and I received the attached response. I have contacted the Office of Information Practices and their director is considering an investigation. It is unfortunate that our charter schools are having to seek the assistance of other state agencies. During the August 11, 2016 meeting school officials from another school questioned a directive they had received from the Commission Chair. The directive was not authorized through a Commission action. The letter directed this schools staff to cease communicating via telephone with Commission staff. It ordered them to put all communications in writing. Fortunately, this school also complained to the Office of Information Practices.

Again, I urge the Board to authorize a special review of the Hawaii State Public Charter School Commission as authorized by §302D-11.

174 Kamehameha Ave., Hilo, Hawai'i - Phone 1-808-961-3664 FAX 1-808-961-2665
Email: john_thatcher@hawaii.rr.com



'A'ole pau ka 'ike i ka hualau kio'okali

Connections Public Charter School

A Community, Business & Education Learning 'Ohana

July 14, 2016

Members of the State Public Charter School Commission:

My testimony pertains to agenda item VI. Item IV in the Recommendation Submittal says, "In addition, this Permitted Interaction Group Screening Committee will consider the input previously gathered from charter schools, other stakeholders and the public on the responsibilities of the position, and desired competencies of the Executive Director."

Connections PCS has not been asked to give this kind of input since 2011. Is this the input from us that will be considered? If not, will we be given an opportunity to submit input for this PIG to consider before a new Executive Director is chosen? Have other charter schools been asked to submit input? I would sincerely appreciate receiving answers to these three questions. If no further input is being sought, I would like the PIG to consider the last Executive Director's history of manipulating and/or blatantly ignoring the following provisions of the law as guidance for what **NOT** to look for as desired competencies:

- **§302D-3.5 Rules** - The Commission has not followed the following provisions of §91:
 - ★ §91-6 Petition for adoption, amendment or repeal of rules - Any interested person may petition an agency requesting the adoption, amendment, or repeal of any rule stating reasons therefor. ***Each agency shall adopt rules prescribing the form for the petitions and the procedure for their submission, consideration, and disposition.***
 - ★ §91-8 Declaratory rulings by agencies - Any interested person may petition an agency for a declaratory order as to the applicability of any statutory provision or of any rule or order of the agency. ***Each agency shall adopt rules prescribing the form of the petitions and the procedure for their submission, consideration, and prompt disposition.***
- **§302D-5 Authorizer powers, duties, and liabilities** - The Commission has not complied with the following:
 - ★ (a) Authorizers are responsible for executing the following essential powers and duties:
 - (4) ***Negotiating*** and executing sound charter contracts with each approved charter applicant and ***with existing public charter schools***
 - ★ (b) An authorizer shall:
 - (1) Act as the point of contact between the department and a public charter school it authorizes.
 - (3) Be responsible for the receipt of applicable federal funds from the department and

the distribution of funds to the public charter school it authorizes.

- ★ (e) Regulation by authorizers shall be limited to the powers and duties set forth in this section, and shall be consistent with the spirit and intent of this chapter.
- **§302D-6 Principles and standards for charter authorizing** - The Commission has not complied with the following:
 - ★ Authorizers shall carry out all their duties under this chapter in a manner consistent with nationally recognized principles and standards and with the spirit and intent of this chapter.
- **§302D-7 Authorizer reporting** - The Commission has not complied with the following:
 - ★ (5) The authorizing functions provided by the authorizer to the public charter schools under its purview, including the authorizer's operating costs and expenses detailed in annual audited financial statements that conform with generally accepted accounting principles.
 - ★ (7) A line-item breakdown of the federal funds received by the department and distributed by the authorizer to public charter schools under its control; and
 - ★ (8) Any concerns regarding equity and recommendations to improve access to and distribution of federal funds to public charter schools.
- **§302D-12 Charter school governing boards; powers and duties** - The Commission has not recognized the following:
 - ★ (e) ***The governing board shall be the independent governing body of its charter school and shall have oversight over and be responsible for the financial, organizational, and academic viability of the charter school, implementation of the charter, and the independent authority to determine the organization and management of the school, the curriculum, virtual education, and compliance with applicable federal and state laws.***
The governing board shall ensure its school complies with the terms of the charter contract between the authorizer and the school.
- **§302D-15 Appeals; charter applications, renewals, or revocations**
 - ★ The Commission denied the Constitutionally mandated due process rights of Halau Lokahi's administrator and Governing Board by illegally forcing the administrator to quit and reconstituting the Governing Board of the school. The Executive Director of the Commission threatened to withhold the new contract and allocation if the administrator and Governing Board members did not quit.
 - ★ The Commission staff drafted a charter renewal process that would have forced some schools to choose between probation (and the loss of their due process rights) and closure.
- **§302D-17 Ongoing oversight and corrective actions** - The Commission has not complied with the following:
 - ★ (b) The authorizer shall require each public charter school it oversees to submit an annual report to assist the authorizer in gathering complete information about each school.
 - ★ Corrective actions taken with Halau Lokahi were not appropriate or warranted.
- **§302D-19 School closure and dissolution** - The Commission did not comply with the following in closing Halau Lokahi:
 - ★ (a) Prior to any public charter school closure decision, an authorizer shall have developed a public charter school closure protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property, and assets in accordance with the requirements of this chapter. The protocol shall specify tasks, timelines, and responsible parties, including delineating the respective duties of the school and the authorizer. In the event of a public charter school closure for any reason, the authorizer shall oversee and work with the closing school to ensure a smooth and orderly closure and transition for students and parents, as guided by the closure protocol.
- **§302D-28 Funding and finance** - The Commission withheld a portion of each charter schools'

allocation during the 2012-2013 and the 2013-2014 school years to fund the Commission's staff. This violated:

- ★ (a) Beginning with fiscal year 2012-2013, and each fiscal year thereafter, the non-facility general fund per-pupil funding request for charter school students shall be the same as the general fund per-pupil amount to the department in the most recently approved executive budget recommendation for the department and shall be based upon reasonable projected enrollment figures for all charter schools.
- **§302D-29 Weighted student formula** - The Commission has not developed the process, procedure and/or rules to facilitate the process required.
- **§302D-30 Responsibilities of the department; special education services** - The Commission has not complied with the following:
 - ★ (a) ***The department shall collaborate with each authorizer to develop a system of technical assistance related to compliance with federal and state laws and access to federal and state funds.***
- **§302D-33 Criminal history record checks** - The Commission has not complied with the following:
 - ★ (a) The commission shall develop procedures for obtaining verifiable information regarding the criminal history of persons who are employed or seeking employment in any position, including teacher trainees, that places them in close proximity to children. These procedures shall include criminal history record checks in accordance with section 846-2.7.



DAVID Y. IGE
GOVERNOR



CATHERINE PAYNE
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

August 12, 2016

VIA E-MAIL and U.S. MAIL

Mr. John Thatcher
c/o Connections Public Charter School
174 Kamehameha Avenue
Hilo, Hawaii 96720

Re: Request for Promulgation of Administrative Rules to clarify the Intervention Protocol in the Charter Contract for Connections Public Charter School

Dear Mr. Thatcher:

Pursuant to Hawaii Revised Statutes ("HRS") § 91-6, the State of Hawaii Public Charter School Commission ("Commission") responds to your e-mail dated July 14, 2016 in which you requested the following:

"As an interested party [sic] I am formally requesting the adoption of administrative rules to clarify the Intervention Protocol in our current contract."

Initially, the Commission noted that your request was made following the Commission's General Business meeting dated July 14, 2016, during which the Commission reviewed the Notice of Deficiency issued for another public charter school. The Commission is responding with respect to the Intervention Protocol in the current public charter school contract between the Commission and your charter school, Connections Public Charter School ("Connections").

Regarding your request for the adoption of administrative rules to clarify the Intervention Protocol in the Connections School Contract, the Commission declines to do so and will not be promulgating any administrative rules pursuant to HRS Chapter 91. The Commission declines to promulgate such administrative rules because the Intervention Protocol is part of the contract between the Commission and Connections allowing Connections to operate as a public charter

Mr. John Thatcher

Page 2

August 12, 2016

school. The Intervention Protocol which is part of Connections School Contract, does not come within the requirement for rule-making under HRS Chapter 91.

The Intervention Protocol in the Connections School Contract provides for the Commission's management of its oversight duties and powers regarding Connections past and present liabilities related to its performance and legal compliance. Therefore, the Intervention Protocol does not come within the definition of agency statements that are required to be a rule under HRS Chapter 91.

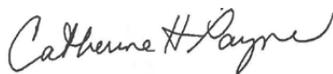
The Intervention Protocol also comes within the exception under HRS Chapter 91 for the internal management of the Commission that does not affect the privacy rights of the public or the procedures available to the public. The Intervention Protocol is part of Connections School Contract with the Commission, a public contract between two public entities that allows Connections to operate as a public charter school. Pursuant to HRS Chapter 302D, the Commission has statutory duties/power to monitor, in accordance with charter contract terms, the performance and legal compliance of Connections.

The Intervention Protocol specifies the Commission's actions regarding the oversight and monitoring of Connections' performance and legal compliance. Such actions are the internal management of the Commission's oversight duties and powers related to Connections' performance and legal compliance.

Furthermore, the Connections School Contract, including the Intervention Protocol, does not affect the private right of the public nor does the Contract, including the Intervention Protocol, affect public procedures as the Contract only sets forth the contractual rights and obligations between Connections and the Commission, not the general public.

Accordingly, the Commission is not required to promulgate administrative rules clarifying the Intervention Protocol that is part of Connections School Contract and declines your request for the adoption of such administrative rules.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Payne".

Catherine Payne

Chairperson

State of Hawaii Public Charter School Commission