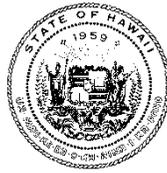


DAVID Y. IGE
GOVERNOR



CATHERINE PAYNE
CHAIRPERSON

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

March 7, 2019

TO: Board of Education

FROM: Catherine Payne
Chairperson, Ad Hoc Committee on 2019 Legislative Session

AGENDA ITEM: Update on Ad Hoc Committee (a permitted interaction group pursuant to Hawaii Revised Statutes, Section 92-2.5(b)(2)) concerning 2019 Legislative Session: Hearings and Testimony

I will provide an oral report on the hearings members of the 2019 Legislative Session Ad Hoc Committee attended since my last report on February 21, 2019. This list is current as of March 1, 2019. Copies of any written testimony submitted by the committee are attached to this memorandum as **Exhibit A**.

Senate Committee on Ways and Means Decision Making

Tuesday, February 19, 2019, 9:30 a.m.

Notice: https://www.capitol.hawaii.gov/session2019/hearingnotices/HEARING_WAM_02-19-19_.HTM

Board Member Attended: Catherine Payne

Senate Committee on Ways and Means Decision Making

Monday, February 25, 2019, 10:30 a.m.

Notice: https://www.capitol.hawaii.gov/session2019/hearingnotices/HEARING_WAM_02-25-19-3_.HTM

Board Member Attended: Bruce Voss

Exhibit A
Testimony



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

Senate Committee on Ways and Means

Tuesday, February 19, 2019
9:30 a.m.
Hawaii State Capitol, Room 211

Senate Bill 84, Making an Appropriation to the Department of Education

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

The Board of Education ("Board") would like to testify in support of SB 84, which would appropriate funds to the Department of Education for a Board Analyst II.

Prior to the appointed Board, the Board's support office employed approximately nine to 13 individuals on full and part-time bases. Currently, the Board's support office consists of three permanent positions and one temporary position. Over the past few years, the duties of the Board's support office have increased along with the Board's initiatives, including evening meetings, processes to improve transparency and accessibility, a more comprehensive evaluation of the Superintendent, and initiatives to implement a system for multiple charter school authorizers.

The Board anticipates this trend of increasing duties to continue into the near future as the Board continues to look for ways to improve in fulfilling its responsibilities. The Board would like to hold neighbor island meetings, which will increase the duties of staff. The Board is also in the process of implementing charter school law and developing a system for multiple charter school authorizers, which includes an annual application process for charter school authorizers and the evaluation and oversight of multiple charter school authorizers. This new system creates an additional set of duties and responsibilities that Board support staff will have to fulfill in addition to the existing workload.

The Board's work requiring data and/or evaluation expertise has experienced a considerable uptick, and the Board has shown interest in expanding this kind of work, including improving the evaluation of the State Librarian and data analysis related to policymaking to assist the Board with more data-driven decision making. A Board Analyst II with a particular focus on evaluative work and data analysis will provide the Board's support office with the capacity and expertise to adequately support the Board in its current and planned endeavors, which would in turn benefit the public through better decision-making and increased access and transparency, a strategic priority of the Board.

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

Very truly yours,

Catherine Payne
Chairperson, Board of Education
Chairperson, 2019 Legislative Ad Hoc Committee



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

House Committee on Finance

Thursday, February 21, 2019
12:30 p.m.
Hawaii State Capitol, Room 308

House Bill 413, House Draft 1, Relating to Education Innovation Grants

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

The Board of Education ("Board") would like to testify in support of HB 413 HD1, which would, among other things, establish the Education Innovation Grants Program, authorize the Board to adopt guiding principles and measures of success for the program, and authorize the Department of Education ("Department") to implement the program.

One of the Board's strategic priorities for the 2018-2019 school year relates to student-centered school design, which seeks to ensure that the appropriate policies, structures, and resources are in place to support schools designed to engage students in a rigorous and innovative curriculum. The Board supports the intent of legislative proposals that advance or provide resources for innovative, student-centered school design.

The Board appreciates the House Committee of Lower and Higher Education's amendments to separate policy-making and implementation responsibilities and placing the latter with the Department rather than the Board. The Board believes this is most appropriate, as the Board's fundamental purpose is to create educational policy, pursuant to the Constitution of the State of Hawaii.

The Board's position and comments on this measure are in regards to matters of public policy only, and the Board defers to the Department on operational and implementation matters for the public education system.

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

Very truly yours,

Catherine Payne
Chairperson, Board of Education
Chairperson, 2019 Legislative Ad Hoc Committee



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

House Committee on Finance

Thursday, February 21, 2019
12:30 p.m.
Hawaii State Capitol, Room 308

House Bill 622, House Draft 1, Relating to Public Charter Schools

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

The Board of Education (“Board”) would like to provide comments on HB 622 HD1, which would require authorizers to establish a purchase order system to pay charter school expenses, require charter schools to be subject to an annual financial audit, and require authorizers to select the independent auditors that are to perform the audits on charter schools.

The Board supports legislation that requires charter school authorizers to hold charter schools accountable to academic, financial, and organizational outcomes, including compliance with applicable laws. To that end, the Board supports the intent of the provisions of this measure that require annual financial audits by independent auditors selected by the authorizer and that require charter school employees under federal investigation to inform the authorizer of the investigation.

However, the Board opposes legislation that increases charter school accountability at the expense of the operational autonomy necessary for charter schools to fulfill their missions and act as independent public schools. The provisions establishing a purchase order system and requiring authorizer approval for any charter school expenditures infringe upon the core autonomies charter schools need to be high-quality public schools and conflict with existing statute and national principles and standards for quality authorizing.

Section 302D-6, Hawaii Revised Statutes, states, in pertinent part, “All authorizers shall be required to follow nationally recognized principles and standards for quality charter authorizing in all major areas of authorizing responsibilities[.]” The mostly widely recognized national principles and standards for quality authorizing are the National Association of Charter School Authorizers’ *Principles & Standards for Quality Charter School Authorizing*,¹ which includes upholding school autonomy as one of its three core principles. This principle states, among

¹ See the National Association of Charter School Authorizer’s *Principles & Standards for Quality Charter School Authorizing, 2018 Edition*, here: <https://www.qualitycharters.org/wp-content/uploads/2018/10/NACSA-Principles-and-Standards-2018-Edition.pdf>.

other relevant things, that a quality authorizer “honors and preserves core autonomies crucial to school success” and “minimizes administrative and compliance burdens on schools.” The aforementioned provisions would prevent authorizers from meeting this principle and section 302D-6, HRS.

Therefore, the Board respectfully requests that the Committee amend this measure by removing the provisions that establish a purchase order system for charter school expenditures and require authorizers to approve purchase orders before charter schools can expend funds. Specifically, the Board requests the Committee to remove the proposed new statutory section entitled “Legislative appropriations; state treasury” under Section 1 of the measure (page 1, line 14 to page 2, line 2) and remove Section 3 from the measure (page 2, line 15 to page 4, line 17), which would amend section 302D-28, HRS.

The Board’s position and comments on this measure are in regards to matters of public policy only, and the Board defers to the State Public Charter School Commission on operational and implementation matters affecting authorizers and to each charter school on operational and implementation matters affecting their respective schools.

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

Very truly yours,

Catherine Payne
Chairperson, Board of Education
Chairperson, 2019 Legislative Ad Hoc Committee



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

Senate Committee on Ways and Means

Monday, February 25, 2019
10:30 a.m.
Hawaii State Capitol, Room 211

Senate Bill 171, Senate Draft 1, Relating to Education

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

The Board of Education ("Board") would like to testify in **strong opposition** to SB 171 SD1, which would create a county education task force to establish a process for the transfer of jurisdiction over all public schools, including all state public education functions and funding, from the State to the county in which the public school is located.

The Board does not support proposed legislation that would prevent or hinder the Board or the Department of Education from addressing their Strategic Priorities for School Year 2018-2019 ("Strategic Priorities"). This measure fits the criterion, as it would result in a task force with a mission to break the statewide public school system—including the public school students, public education professionals, and public education resources—into several systems. It is unclear how this serves the interest of all students and the public.

SB 171 SD1 runs counter to the Strategic Priority of equity and access, which seeks to ensure that "the appropriate policies, structures, and resources are in place to guarantee the advancement of access and support structures that allow all students to engage in learning through the core curriculum design." A statewide system ensures equitable and fair resources across all schools, a feature of which Hawaii has long been proud. Splitting up the system into multiple school districts has the potential to erode equity for our schools and students, likely hurting our least affluent and most vulnerable populations the most, as demonstrated in so many other states across the nation.

This measure could also lead to greater inefficiencies and decreased economies of scale that we enjoy in our unitary statewide system, hampering progress in addressing the other Strategic Priorities. Divided resources and support could potentially make it more costly to address school facilities needs or design student-centered schools. Rather than focusing on addressing the teacher shortage issue holistically at the statewide level, multiple in-state districts might compete for each other's teachers.

These are just a few examples of the potential but significant impacts this measure could have on the public education system and our students. **Therefore, we urge the Committee not to pass this measure.**

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

Very truly yours,

Catherine Payne
Chairperson, Board of Education
Chairperson, 2019 Legislative Ad Hoc Committee



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

**Senate Committee on Commerce, Consumer Protection, and Health
Senate Committee on Ways and Means**

Monday, February 25, 2019
11:00 a.m.
Hawaii State Capitol, Room 211

Senate Bill 383, Senate Draft 1, Relating to Youth Suicide Prevention

Dear Chairs Baker and Dela Cruz, Vice Chairs Chang and Keith-Agaran, and Members of the Committees:

The Board of Education ("Board") supports the intent of SB 383 SD1 but has comments. SB 383 SD1 would require the Board to establish and implement youth suicide awareness and prevention training programs and risk referral protocols in public schools, including charter schools.

One of the Board's strategic priorities for the 2018-2019 school year relates to safe learning environments that support students' well-being, which seeks to ensure that the appropriate policies, structures, and resources are in place so learning environments that support all students' emotional and physical well-being can be cultivated.

The Board acknowledges that youth suicide is connected to bullying, harassment, and discrimination in schools, and the Board fully supports the intent of initiatives that recognize the importance of addressing these issues.

However, it is difficult for the Board to support proposed legislation that creates additional duties and responsibilities for the Board and the Department of Education ("Department") without appropriating adequate, commensurate resources to accomplish such duties and responsibilities. In its current form, this measure creates substantially more work for the Board and Department without any funding to accomplish their new responsibilities.

In addition, the Board believes the responsibility to implement programs should lie with the Department and its administratively attached agencies, as the Board's fundamental purpose is to create educational policy, pursuant to the Constitution of the State of Hawaii.

Therefore, should the Committees decide to pass this measure, the Board requests that the Committees amend it to place the responsibility to develop and implement a youth

suicide awareness and prevention training program and a model risk referral protocol with the Department or its administratively attached agencies, as appropriate, and to include an appropriation to fund the development and implementation.

The Board's position and comments on this measure are in regards to matters of public policy only, and the Board defers to the Department on operational and implementation matters for the public education system. The Board also defers to the State Public Charter School Commission on operational and implementation matters as they relate to charter schools.

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

Very truly yours,

Catherine Payne
Chairperson, Board of Education
Chairperson, 2019 Legislative Ad Hoc Committee



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

House Committee on Finance

Tuesday, February 26, 2019
12:30 p.m.
Hawaii State Capitol, Room 308

House Bill 407, House Draft 1, Relating to the Board of Education

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

The Board of Education ("Board") would like to provide comments on HB 407 HD1, which would grant the Board the authority to appoint complex area superintendents.

The Board agrees that the complex area superintendents play a vital role for their public school communities, and they are an integral component of the Department of Education's tri-level leadership structure. The Board currently has approval authority over any complex area superintendent appointments made by the Superintendent. The Board reviews the resume of the candidate and meets with the candidate before the appointment.

The Board appreciates the additional clarity that the House Committee on Lower and Higher Education provided. The added language requiring that the approval of the Board "be obtained prior to the termination of a complex area superintendent" appears to imply that the Superintendent would seek the approval from the Board for any termination of a complex area superintendent she recommends; therefore, under this measure, the Superintendent would still directly oversee complex area superintendents, not the Board. If this is not the Legislature's intent, the Board respectfully requests further clarification.

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

Very truly yours,

Catherine Payne
Chairperson, Board of Education
Chairperson, 2019 Legislative Ad Hoc Committee