

TESTIMONY FOR ITEM IV-B, DECEMBER 3, 2020

John Thatcher, Connections PCS Director

Chairperson Payne, Vice Chairperson Uemura and members of the State of Hawaii BOE:

The COVID-19 pandemic has had a devastating impact on Hawaii's public schools. The rapid shift to virtual learning has left many families behind as their children struggle to learn. Many charter schools throughout the nation were able to make "rapid leaps from the classroom to the cloud" as reported by the Center for Reinventing Public Education at the University of Washington. Charter schools are typically more nimble and less bureaucratic than traditional public schools. Teachers and administrators of charter schools often have prior experience dealing with challenges and often rely more heavily on technology than other public schools. While schools throughout the nation closed down last spring, some of the nation's most prominent charter schools quickly rolled out remote learning including mechanisms that monitored students' progress and gave them access to lessons. Their rapid response put these schools in a strong position to serve students and families remotely this fall.

Unfortunately, in Hawaii our charter schools are under the jurisdiction and scrutiny of one of the nation's largest bureaucracies authorizing charter schools. Having a single authorizer is unusual in the 45 states (and Washington DC) with charter school laws. In a special report entitled Charter Authorizers: What they are & why they matter the Education Commission of the States noted that "successful authorizers ensure that charter schools use the flexibility they are granted under state law to meet their students' needs and spend tax dollars appropriately." In citing examples of states with strong authorizing policies, the report noted that Indiana law requires authorizers to request approval from the state board of education to gain chartering authority. The request must contain explanations of:

- A strategic vision for chartering
- Budget and personnel capacity
- Commitment to meeting the criteria for quality authorizers
- How charter school applications will be solicited
- The performance framework that will be used to guide establishment of charter contracts and the oversight and evaluation of its schools
- A draft of the renewal, revocation and nonrenewal processes, and an assurance the the authorizer will fulfill "the expectations, spirit and intent" of the law and will fully adopt standards of quality charter school authorizing

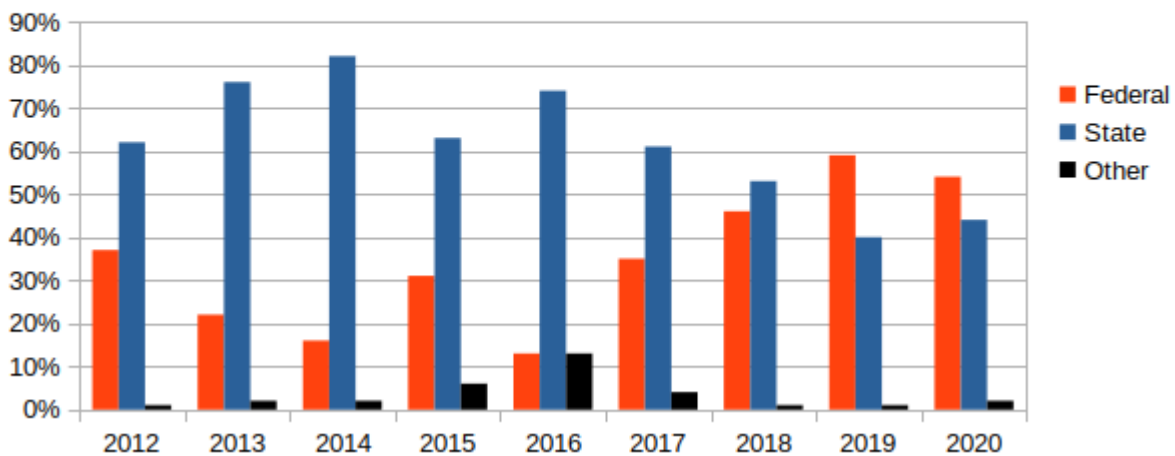
Although our State Board of Education did not approve the establishment of the State Public Charter School Commission, it does have oversight authority established by state law (§302D-11). One of the mandates of our law requires every authorizer to submit an annual report to the board and the legislature. The report submitted by the State Public Charter School Commission this year again documents a state funded bureaucracy with a highly inflated budget and personnel capacity. Hawaii is one of ten states with a single authorizer. The other states are Arkansas, Mississippi, Alabama, North Carolina, New Jersey, Connecticut, Rhode Island, Massachusetts, and Maine. To oversee 37 charter schools, our Commission has a staff of 22. Rhode Island's single authorizer oversees 32 charter schools with a staff of two. North Carolina's authorizer has 170 charter schools in its portfolio managed by a staff of six.

The report submitted by the State Public Charter School Commission this year documents their expenses for payroll (and related expenses) exceeding their State allocation by \$728,989. It also documents \$866,217 spent on professional services. The Commission spent \$3,289,808 on employees

and consultants (and this is 9% less than similar expenses the previous year). With a state allocation of \$1,694,602 the Commission derived funding for their inflated personnel cost by using federal money. Unfortunately the bulk of the federal funds that the Commission now relies on are derived from money intended to support charter schools eligible for Title I. According to the Schedule of Expenditures of Federal Awards in their audit for 2019-2020, 18.8% of the Title I funds were withheld by the Commission and used to pay for their expenses. In addition, none of the federal funds the Commission received for homeless students and English language learners were distributed to charter schools. The Commission has the ability to use federal funds in a manner that is not consistent with the state law that governs how public schools are supposed to use federal money. In 2014 the Legislature passed HB 1745 (companion bill: SB 2518) which became Act 99 on June 19, 2014. The new law amended §302D-25 (Applicability of state laws) of the charter schools law to exempt the State Public Charter School Commission and charter schools from §302A-1401. Consequently the portion of the Commission’s income from federal funding rose steadily from 16% in 2014 to 54% in 2020. The following graph was compiled from audits of the Commission:

CHARTER SCHOOL COMMISSION

Sources of Income 2012-2020



The federal Every Student Succeeds Act (ESSA) amended the Elementary and Secondary Education Act of 1965. Section 1003(a)(1) of the law allows states to reserve 7% of the funds received for Title I, Part A. Hawaii’s ESSA Consolidated Plan specifically says, “The BOE oversees the State Public Charter School Commission.” State law (§302D-11) defines the BOE’s responsibility “for overseeing the performance and effectiveness of all authorizers established under this chapter.”

The Board’s Annual Report on Charter Schools to the 2021 Legislature recognizes that “the financial status of charter schools, as a group, continues to be relatively stable.” No comments are included regarding the fiscal viability of the State Public Charter School Commission. The annual report also lists “continued implementation of multiple charter school authorizer system” as an area for improvement but then asserts, “While the Board had hoped to report more progress on finding a resolution to some of these issues and the continued implementation of a comprehensive multiple authorizer system this year, the reality is none of these issues are currently high priorities for the Board given the breadth and urgency of other issues before the Board. The Board hopes to make some headway in the coming years on addressing these issues. In the meantime, the Board encourages the

Legislature and other major stakeholders to analyze, discuss, and engage the Board with potential solutions.”

It is unfortunate that this board does not see the issue of multiple authorizers as a high priority. The National Association of Charter School Authorizers asserts, “While the quality of authorizing is more important than the quantity, the number of authorizers in a given jurisdiction or state does matter. Why? Because experience shows that the presence of multiple authorizers can strengthen a state’s charter school sector. A diversity of authorizers can promote professional practices among authorizers and provide checks and balances in charter approval, oversight, and renewal decisions.” These are exactly some of the areas the State Public Charter School Commission struggles with most. The Board also reports, “Based on the Commission’s report, the Board does not currently have any concerns regarding equity or recommendations to improve access to and distribution of federal funds to public charter schools.” While the Commission noted that it continues to “raise awareness regarding access and equity of funding for public charter schools within the public school system” there is no mention of the increasing need for the Commission to use federal funding to cover the cost of their inflated budget. These funds are intended to support students in our charter schools. The fact that the Board does not recognize the irony in the Commission’s legal exemption regarding the use of federal funds is alarming.

In the United States of America, public education is primarily a responsibility of the states. The structure of financing public schools reflects this predominant state role in our country. This is especially true for elementary and secondary schools where 92% of the funding comes from non-Federal sources. In Hawaii, state law (§302A-1401) governs how federal funds for education are spent. The Commission is exempt from following this law and the Board does not seem to recognize this as a problem. The Board of Education is designated as the administrator of federal funds allocated to the State under federal legislation for the purpose of public education. State law says that the State “shall use and expend the funds:

- (1) To improve the program of the public schools of the State, including any grades up to the fourteenth grade or such lower grade as shall be prescribed as a maximum for such purposes by the Act of Congress concerned, by expanding the educational offerings, particularly in the rural districts;
- (2) For the payment of salaries to teachers;
- (3) To employ additional teachers to relieve overcrowded classes;
- (4) To adjust the salaries of teachers to meet the increased cost of living, within such limits as may be fixed by, and pursuant to, state law;
- (5) To provide for the purchase of supplies, apparatus, and materials for the public schools; and
- (6) For any of such purposes and to such extent as shall be permitted by the Acts of Congress concerned.”

The Board’s annual report to the Legislature identifies “FUTURE ACTIONS” relating to the issue of establishing a system for multiple authorizers in Hawaii. It says, “The Board will continue to implement components of the multiple authorizer system. The Board will also continue to examine other pieces necessary for a comprehensive multiple authorizer system as it is able, and the Board encourages the Legislature to begin conversations about some kind of centralized support system or structure. While the issue of long-term financial stability and equity has been a clear issue in each of the Board’s nine annual reports, this year the Board is urging the Legislature to preserve as much charter school funding as possible rather than asking for facilities funding for charter schools due to the economic crisis.”

Our charter schools appreciate the Board’s support for preserving our state funding. I would personally like to thank the Board for encouraging the Legislature to begin dialogue concerning a “centralized

support system or structure” for our charter schools. The centerpiece of this system must be an atmosphere of strong support for multiple authorizers. The need is greater now than it has ever been. Throwing money at the issue by allowing the growth of an inflated bureaucracy has not worked. Now is the time to recognize our dire need for eliminating waste in government. The State Public Charter School Commission should be forced to live within its means. Funding for multiple authorizers should come through the schools they authorize as it is done in all other states. This approach will help save the precious dollars needed by the state to help fund our financial recovery.



FINANCE AND INFRASTRUCTURE COMMITTEE MEETING ACTION ITEM C: COMMITTEE ACTION ON RECOMMENDATION CONCERNING THE DEPARTMENT OF EDUCATION'S OPERATING BUDGET FOR 2021-2023 FISCAL BIENNIUM

DECEMBER 3, 2020 · HAWAII STATE BOARD OF
EDUCATION · CHAIR BRUCE VOSS

COMMENTS: Austerity economics is fatal. Across the world, when policies predicated on austerity are put forward, people suffer. Services on which working families rely evaporate, leaving vulnerable people to struggle alone. Inequality worsens. Ultimately, the financial recovery we're delicately trying to craft is undermined, as austerity leads to lengthier and deeper recessions.

The same is true when it comes to education. The budget cuts proposed by the DOE would jeopardize the ability of our school system to function and imperil the academic future of our keiki. A \$100 million cut to Hawai'i's weighted student formula could **prompt the loss of 1,000 teaching positions** according to the Hawai'i State Teachers Association, leading to drastically bloated class sizes, less individual attention for at-risk students, and an overall reduction in the quality of our state's instructional delivery.

A \$25 million decrease in special education funding would **cause massive staffing shortages and endanger our schools' ability to provide a free and appropriate education to high-needs students**. That problem would only be worsened by the suggested cuts to behavioral analysis and school-based behavioral health services, which provide essential care for special needs, emotionally vulnerable, abused, disadvantaged, and highly traumatized children, **including the survivors of child sex trafficking that we serve every day.**

While not totaling a large dollar amount, the proposed athletics reductions include restrictions to gender equity funding. The department's inability to ensure gender equity in athletics facilities reached a point at which it had become a legal matter in recent years, which spurred the department to take action. **Even small cuts to gender equity funding will further institutionalize discrimination against girls and gender-nonconforming students.**

While the board is required to follow Gov. David Ige's budgetary guidelines, it's important to understand that these guidelines are not gospel. State lawmakers can protect our school system, this year, by increasing corporate and high-earner income taxes, closing excise tax loopholes, granting the governor the authority to issue bond sales, temporarily repealing excise tax exemptions, and more to close the projected budget deficit. **We hope that the board will adopt proactive policy positions in support of these and other revenue generating efforts.**

Let's not allow our children's future to become a casualty of COVID-19. In the coming months, let's unite to find a way to protect our schools from financial ruin.

Sincerely,

A handwritten signature in cursive script that reads "Kris Coffield".

Kris Coffield
Executive Director, Imua Alliance

The background features abstract, overlapping geometric shapes in various shades of blue, ranging from light sky blue to deep navy blue. The shapes are primarily triangles and polygons, creating a dynamic, layered effect. The text is centered in a clean, sans-serif font.

How Daniel K Inouye Elementary School Failed at Providing Equal Access to Education for All Students

The Original Plan

- ▶ Originally, Daniel K had students placed on 3 tracks: red, blue, and rainbow.
- ▶ Red and blue were hybrid and rainbow track went 5 days a week in-person.
- ▶ Two weeks before school started, both red and blue tracks were notified that their students would not be going back hybrid but would start the year 100% distance learning. Rainbow track was told they would still be going 5 days a week in-person.
- ▶ It wasn't until after the 1st day of school, that rainbow track parents were informed that their children were, in fact, not going to be going to school in-person at all.
- ▶ While red and blue track parents were given 2 weeks to find child care services that would accommodate distance learning, rainbow track parents (most of whom have 2 working parents, are dual military, or are single military) were given a weekend.
- ▶ With child care space already scarce, parents were left with little or no options. This was a failure on the part of the school.
- ▶ Both Wheeler and Solomon knew 2 weeks before school started that all students would be distance learning. Daniel K was the only school still saying kids would be going back in-person.

The 2nd Plan

- ▶ When the state updated their guidelines for schools, Solomon and Wheeler were quick to let parents know of their new plan to bring children back in waves by grade level. Children would be going back on a hybrid schedule.
- ▶ Daniel K was last to release their plan and had much later start dates for grades 2 and 3 compared to the other schools.
- ▶ Midway through November, Daniel K announced that they weren't going to be bringing 3rd grade back because COVID numbers were rising again.
- ▶ As you will see in the next slide, there was no significant jump in cases that would have caused this change.
- ▶ Neither Solomon nor Wheeler made any changes to their plans.

Daily change

New cases ▾



United States ▾

Hawaii ▾

All time ▾



Each day shows new cases reported since the previous day - Updated less than 10 hours ago -
Source: [The New York Times](#) - [About this data](#)

Honolulu County

68

Avg New Cases

2.1%

Test Positivity



Data taken 29 November from health.Hawaii.gov shows a 7% DECREASE in cases over the previous 14 days.

Reasons Given by Daniel K Elementary

- ▶ The following reasons have been given either by staff of the administration as to why Daniel K isn't bringing back students to in-person learning
 - ▶ Larger Special Education population makes it harder to add General Education students back to in-person learning and stay at the state-mandated 50%
 - ▶ Students in grades 3-5 will return to campus once schools are in the "In-Person Learning" tier per the HI Department of Health metrics. For elementary schools, this means the 7 day average daily case count needs to be between 2.1 - 5.0 and the positivity rate needs to be between 1.0% and 2.49%
 - ▶ Actual criteria on next slide
 - ▶ "Due to community feedback, we chose to adjust our plans and follow the Board of Education's guidance to prioritize grades K-2."
 - ▶ Unsure of how they gathered the "community feedback." Nothing was asked of the parents of the students either on campus (SpEd) or distance learning.
 - ▶ Given no source as to where the "Board of Education's guidance" came from.
 - ▶ After personally researching, Hawaii DOE released "Return to Learn: School Reopening Plan" on November 18. Information from that on the following slides.

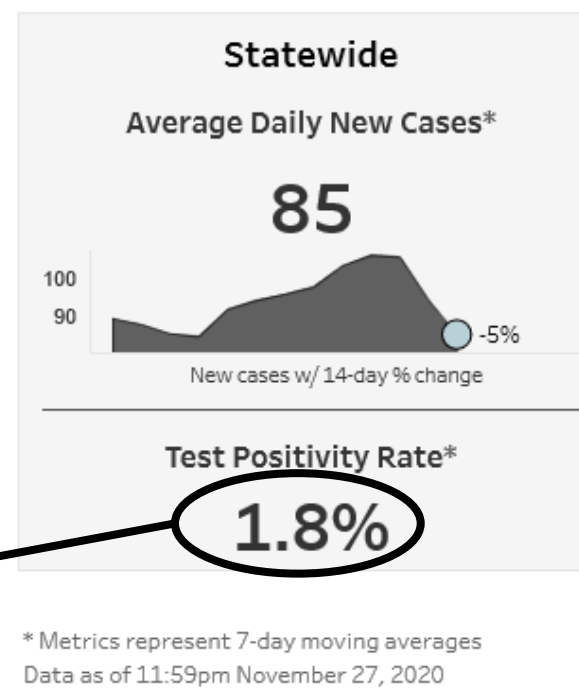
Facts

Learning Model Parameters

7-day Daily Average per 100,000 population, by Island*	Percent Positivity [†]	Consider the following Learning Model
0-2.0	0-0.99%	In-person learning
2.1-5.0	1.0%-2.49%	In-person learning for elementary students, blended learning for secondary students
5.1-10.3	2.5%-5.0%	Blended learning for students
10.4-15.4	5.1-7.5%	Blended learning for elementary students; learning from home for secondary students
15.5+	>7.5%	Learning from home

*Hawaii metrics for school reopening will be posted every week at:
<https://health.hawaii.gov/coronavirusdisease2019/school-guidance/>

BLENDED LEARNING (aka hybrid) is approved at a much higher positivity rate. The statement about not being able to bring students back until the rate is between 1.0% and 2.49% is for 100% in-person learning.



Core Assumptions

The core assumptions initially developed for opening schools remain relevant and have been modified slightly for transitioning between learning models. They serve as guiding principles to support decision-making throughout the HDOE tri-level structure as schools, complex areas and state offices navigate the changing COVID-19 circumstances in Hawaii and the corresponding impacts on the school system.

1. The core operations of public education and learning models implemented at schools must adjust as national and local agencies respond to the health pandemic and move our state toward eventual recovery. Impact levels may vary by county or island.
The information below includes considerations from the Hawaii State Department of Health (DOH), Centers for Disease Control and Prevention (CDC), state of Hawaii and Board of Education (BOE) for schools to consider and to assist with decision-making for increasing or decreasing on-campus learning. Schools and complex areas must consider the unique conditions of the community regarding the impact of COVID-19 as well as the decisions made by policymakers about the gradual opening of the state.
2. The transition phase design should be led by school and complex area leaders in collaboration with their school community. Each transition should include justification for:
 1. the developmentally appropriate needs of their learners;
 2. Prioritization of students with vulnerabilities to learning (e.g., SPED, EL, early elementary, significant transitions years – kindergarten, sixth, ninth, and 12th grade); and
3. Increasing the number of students on campus by determining the impact on workforce, modifications to facilities use, and other mitigating factors. These factors include but are not limited to a school's master schedule, assignments, and the rotation of in-person learning, and assurances that the school will be able to implement the CDC health and safety mitigation strategies:
 1. Consistent and correct use of masks (exceptions will be made for students with disabilities who may be unable to tolerate the wearing of a face mask).
 2. Social distancing to the greatest extent possible.
 3. Hand hygiene and respiratory etiquette.
 4. Cleaning and disinfection.
 5. Support with DOH contact tracing by providing the necessary case and close contact information. (The verbiage has been modified from the CDC language to accurately reflect the role of HDOE with cases impacting staff and students).

2. The transition phase design should be led by school and complex area leaders in collaboration with their school community. Each transition should include justification for:

1. the developmentally appropriate needs of their learners.
2. Prioritization of students with vulnerabilities to learning (SPED, EL, early elementary....)

This, I believe, is what the administrator was referring to when citing the Board of Education's recommendation to prioritize K-2.

It is significant to note that the first point addressed the needs of the learners. This will be addressed in the slides pertaining to alternative options for welcoming back students.

Alternative Options for Welcoming Back Students

- ▶ Instead of bringing back entire grade levels at one time, students could have been brought back to in-person and hybrid learning using different criteria
- ▶ These options would have brought back students from all grade levels in smaller groups rather than filling the younger grade classrooms to capacity
- ▶ These options would have also helped parents in different circumstances

Option 1 - Students in Child Care Centers

- ▶ Bring back students that currently spend the school day at a child care center (YMCA or SAC)
- ▶ These students have very little support or assistance
 - ▶ 10-20 students from different schools, in different grades, in different classrooms all together with 1-2 adults who are not trained teachers nor does it fall under their job duties to provide educational assistance
- ▶ Parents, many of whom are already struggling financially because of COVID, are now having to pay for full-day child care rather than just after-school care.
- ▶ Those same parents who are working all day must then come home and spend their few precious hours with their children doing all of their school work.
- ▶ These students are burned out from school all day and then have to come home and keep doing school.

Option 2: Students that are Struggling

- ▶ The students included in this option are probably a lot of the same students that would be included in Option 1.
- ▶ Ask the teachers for their recommendations for who to bring back to school.

Board of Education (BOE) Resolution

Pursuant to the BOE resolution adopted on June 18, 2020:

"BE IT FURTHER RESOLVED that the Board decrees that the Department may consider distance learning and hybrid learning equivalent to in-person learning for purposes of calculating instructional days and student hours and meeting the requirements of Section 302A-251, HRS, provided that the Department issues clear directives to schools and guidance to families and the public regarding how Department schools must calculate instructional days and student hours in distance learning and hybrid learning settings..."

School models will reflect a culture of care that is consistent with the BOE principles of giving hope, acting with kindness, and working toward togetherness. Thus, school models will demonstrate:

1. Adherence to the health and sanitation directives to ensure the health and safety of our students, employees, families, and community members.
2. Priority for students who have challenges with online learning or need additional support to be successful academically for on-campus learning.
3. Flexibility as schools address facilities and workforce capacity and health and safety guidelines to provide supervision and optimal learning conditions for their most vulnerable students or those identified by schools as high priority (for example, students in grades PreK-1 or students who have been difficult to connect with during distance learning). Models will be designed to align within a complex area to support families with learners in multiple schools to the greatest extent possible.

2. Priority for students who have challenges with online learning or need additional support to be successful academically for on-campus learning.

Option 3: Siblings of Those On Campus

- ▶ This option would mostly benefit the parents who have a child in Special Education and another child or children that are not.
- ▶ The General Education students feel “left out” and not as important when they see that their sibling goes to school each day but they do not. They are either at home or possibly in a child care center.
- ▶ While this option has no academic backing, it does involve mental health of some of our students.

Option 4: Each Grade Each Day

- ▶ This option focuses more on what is fair for ALL students regardless of whether or not they are struggling or their parents are working.
- ▶ Bring back each grade 1 day a week
 - ▶ Monday: 1st grade, Tuesday: 2nd, etc.
- ▶ With this option, ALL students would have the opportunity to be in-person and get the rich education that comes with being in person at least once a week.
- ▶ Relationships between students and their teachers would be improved
- ▶ The school could maintain the 50% capacity rule
- ▶ Checks for understanding and individual one-on-one time with their teacher could make all the difference for a student who is struggling.

Option 5: Part Day All Grades

- ▶ This option would have the hybrid schedules for all grades and the day would be divided in half
- ▶ 8:00 - 11:00: Pre-K, K, 1st, 2nd (lunch from 11:00 - 11:30 in classrooms)
- ▶ 11:15 - 2:15: 3rd, 4th, 5th (lunch from 10:45 - 11:15 in classrooms)
- ▶ Again, all grades would come back and the school could maintain 50%

Conclusion

- ▶ Daniel K Inouye Elementary School has done a poor job of communicating with parents, planning, and doing with is best for the students.
- ▶ There are many different options that could be considered that would benefit all students.
- ▶ The “school community” has not been involved in any of the decisions being made in regard to the phased re-opening.

Sources

- ▶ *Hawaii COVID-19 Data*, health.Hawaii.gov/coronavirusdisease2019/what-you-should-know/current-situation-in-Hawaii/.
- ▶ “Hawaii DOE: Return to Learn.” *Hawaii DOE | Return to Learn*, www.hawaiipublicschools.org/ConnectWithUs/MediaRoom/PressReleases/Pages/school-year-2020-21.aspx.
- ▶ The New York Times. “Hawaii Covid Map and Case Count.” *The New York Times*, The New York Times, 1 Apr. 2020, www.nytimes.com/interactive/2020/us/Hawaii-coronavirus-cases.html.