

# KIM COCO IWAMOTO, ESQ.

P.O. Box 235191 Honolulu, HI 96823 (808) 342-0078

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HB594 RELATING TO EDUCATION

Position – **Support with Amendments**

COMMITTEE ON EDUCATION

Rep. Roy M. Takumi, Chair  
Rep. Lyla B. Berg, Ph.D., Vice Chair

Monday, February 12, 2007  
2:00 pm, Room 309

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I am testifying in my individual capacity in support of HB594, with requests for clarification and amendments listed below. Of all the charter school bills being considered this legislative session, HB594 appears to provide the most comprehensive solutions to the current challenges facing charter schools.

## 1. Sufficient Support for Review Panel

The legislature has found that, “With part-time members, and a relatively small support staff, the *board* cannot devote the appropriate amount of time, focus, energy, and resources to discharge all the duties of a charter school authorizer, from approval of new charters, to accountability, to proactive support to ensure the success of the charter schools.” Upon an examination of the current review panel, the legislature would find that most panel members also have limited available time to discharge all the duties of an authorizer. In addition, the current CSAO, which will provide support staff to the panel, is relatively small considering its current responsibilities and the additional support it will have to provide to the panel.

**Suggest approving/allocating the review panel and CSAO sufficient resources to support timely and thorough implementation of the added responsibilities set forth in this bill.**

## 2. Clarify Accountability

This bill sets forth several conflicting or unclear statements. Section 7(1)(a) states: “There is established the charter school review panel, which shall be placed within the department for administrative purposes only. The panel shall be accountable to the charter schools, the board, and the general public.” This section would give the reasonable reader the impression that the department (DOE(BOE)?) would be administratively accountable for the panel.

However, this bill removes the requirement that charter schools comply with board policies. The first stated purposes of this bill is to limit the mechanisms by which the board can effectively hold the panel and charter schools accountable: “Clarify that the board of education will continue to play a significant role in policymaking for charter schools by retaining the power to adopt administrative rules, appointing the members of the charter school review panel, and serving as

an appeals board for applicants or charters that are unhappy with decisions of the charter school review panel.”

While I support the intent of HB594 to create a meddle-proof barrier between the board and charter schools, the inconsistent language of this current bill, will create a different set of challenges. This bill prohibits the board from responding to or remedying discrepancies or improprieties unless it is invited into the process through appeal. In fact, there is no mechanism by which the board is able to proactively hold the panel or charter schools accountable. The board will be required to sit on its hands and do nothing, unless invited, after the fact. This appears to be the point of strongest concern for many board members who do not support this bill.

**Suggest HB594 clarify the mechanism by which the board shall hold the panel or charter schools accountable. In the alternative, I suggest removing any references to accountability between the board and panel/charter schools and explicitly state that the legislature is not relying on the board to hold the panel or charter schools accountable for anything – that the board’s role is merely to provide the limited services identified in the bill.**

### 3. Executive Director

Section 10(c) states, “The executive director shall be evaluated annually by the board[.], the panel, and the charter schools.” However the second identified purpose of this Act delegates “the appointment and evaluation of the executive director to the charter school review panel.” Since this bill completely removes the board from decision-making or direction related to the ED, there is no reason to mandate the board participate in the ED Evaluation process. **Suggest deleting the board from this section.**

### 4. Budget Request

Another item of confusion arises in section 10(b)(1), which directs the ED to submit the charter school budget request to the board. It appears that the board has previously interpreted this section to mean that it has the authority to remove certain items from the budget request before it is submitted to the governor or legislator. Clarification is needed to determine whether submission of the budget request requires the board’s approval. In light of the removal of accountability between the board and the panel/charter schools, **suggest omitting the requirement that the ED submit its budget request to the board; or in the alternative, explicitly state that the ED does not need board approval to submit the charter school budget request to the governor or the legislature.**

Thank you for your time and consideration.