

DAVID Y. IGE
GOVERNOR



CATHERINE PAYNE
CHAIRPERSON

STATE OF HAWAII
STATE PUBLIC CHARTER SCHOOL COMMISSION
(‘AHA KULA HO‘ĀMANA)
1111 Bishop Street, Suite 516, Honolulu, Hawaii 96813
Tel: (808) 586-3775 Fax: (808) 586-3776

March 10, 2016

Initial Response to Board of Education Report on Charter School Listening Tour

I. Introduction

The Board of Education (BOE) held three “listening tour” meetings with charter school representatives and other individuals on three islands in November and December of 2015. Details are provided in the memorandum from Board Member Jim Williams, found [at this link](#). Among other things, participants were asked to weigh in on the Commission and then specifically on the Commission staff. All of the comments made at these meetings were compiled in the memorandum and its attachments, which was presented to the BOE its January 19, 2016 general business meeting. The Commission was not asked to respond before publication of this report.

Initially the report was not redacted and included scurrilous accusations against individually identified Commission employees, who never were invited to present their side. By the time the report was fully redacted on March 8, the report had been republished and widely disseminated through links to several news articles.

In presenting the report to the BOE, Board Member Williams emphasized that the BOE was taking no position on the validity of the assertions recounted in the report. Subsequently, however, Mr. Williams, the BOE, and others have cited the report in testimony to the Legislature, and it even was cited in a piece of legislation.

The four-member Permitted Interaction Group that was designated by the BOE pursuant to Hawaii Revised Statutes Section 92-2.5(b)(1)) to make a recommendation on whether the BOE should conduct a Special Performance Review of the Commission, based on a determination that the complaints in the report are “well-founded,” met briefly and individually with six Commissioners and the Commission Executive Director to discuss the report. In addition, four Commissioners and the Executive Director had provided written and/or verbal testimony to the BOE at the meeting at which the report was delivered. The written testimony is attached as **Exhibit 1**.

Until now the Commission itself has not provided any formal written response to the report. This brief, initial response provides some context for the discussion thus far; addresses some of the themes, complaints, and assertions raised on the listening tour; and offers some constructive suggestions for turning the process that has played out thus far into one that could move Hawaii's chartering system forward. It does not attempt to address every claim in the BOE report. This should not be misconstrued as implicitly validating other claims.

II. Context

Not all who may have read or heard about the BOE report necessarily are familiar with chartering in Hawaii and its history, including the Legislature's revamping of the charter system through the enactment of Act 130 in 2012. That act, which was based on national principles and best practices, created the Commission and mandated the use of charter contracts incorporating performance frameworks.

Developing and employing a basic accountability infrastructure for our charter school system many years after the creation of a whole portfolio of charter schools that had suffered years of, at best, benign neglect, has been no easy task, either for the Commission or for the schools. The strain of raising academic, financial, and organizational expectations—however necessary and overdue—for those schools with serious deficits in financial resource and/or institutional capacity cannot be over-emphasized.

While it is not claimed here that the Commission has been perfect in fulfilling its extraordinarily challenging responsibilities in a relatively short time, many of the complaints lodged against the Commission in the BOE report can be understood as symptoms of frustration over larger issues.

It must also be noted that some school leaders and advocates have privately expressed misgivings about the somewhat predictable tenor of the listening tour meetings and quietly dissented from some of the views articulated there, including what was published in the BOE report. The reluctance and disincentives to voice such views publicly, especially in the atmosphere that sometimes prevails in the charter school group setting, are understandable.

III. Responses

In responding to the kinds of assertions and perceptions enumerated in the BOE report, the Commission confronts a familiar dilemma. On the one hand, to rebut every point, especially the less informed or the flatly false, is to risk coming across as defensive and squabbling—and sometimes unavoidably will be less than flattering to some charter schools and perceived as lacking in aloha. This the Commission and its staff generally have tried hard to avoid.

On the other hand, by taking the high road and not setting the record straight on some things, the Commission risks the fate of the candidate for public office who doesn't stoop to respond to attack ads because he or she is confident that the voters are too well informed to fall for them. As much as anything, the listening tour highlighted the importance of more systematically and forthrightly countering misinformation and innocent misunderstandings, while still striving to do so respectfully. This effort was already well underway by the time of the BOE listening tour and continues as an area of focus for the Commission. This section of this document attempts to address several important themes and issues honestly and respectfully.

The Commission's role as authorizer

Many of the comments in the report essentially reflect continued misgivings about the new reality of the Commission's having a primary focus and duties as envisioned and defined in state law that are very different from those of the earlier Charter School Administrative Office (CSAO) and the Charter School Review Panel (CSRP). Fundamentally, Act 130 combines in the Commission the authorizer functions of the CSRP and the CSAO and reflects the Legislature's recognition that expecting one entity to serve at once as the oversight, advocacy, support, and "back office" of the charter schools, as the CSAO did, was a broken model. As authorizer, the Commission's regulatory function is paramount. The Commission is not "the DOE of charter schools" but, in keeping with charter school autonomy, has a more arm's length relationship with them.

That said, the suggestion that the Commission provides no support for or advocacy of the charter schools is without basis. Even after the transition to the new law, the Commission still fulfills functions atypical of most authorizers, including the administration of federal programs, support related to information technology and data systems, and assistance with the schools' interface with state human resources systems. Every legislative session, the Commission strongly advocates for the charter system and for resources at the Legislature, and this advocacy extends to the BOE, the Department of Education (DOE) and the rest of state government. The Commission also was awarded and is implementing a \$14.8 million federal grant to bring pre-kindergarten programs to 18 charter schools.

The assertion that the Commission lack appreciation for charter school innovation or missions is totally unfounded. The Commission is deeply committed to preserving the ability of charter schools to adopt and experiment with new and different means of fulfilling their responsibilities as public schools. At the same time, the Commission is unapologetically committed to ensuring that those responsibilities to children and to the public are fulfilled. Having expectations for the ends should not be confused with being rigid about the means.

What is clear is that the charter schools require additional direct supports. However, providing these supports is not the most appropriate role for an authorizer. Hawaii desperately lacks the kind of robust charter school support organizations found in other jurisdictions. At present the Hawaii Public Charter Schools Network (HPCSN) is a small operation still focused primarily on advocacy rather than augmenting the operational capacities of the schools.

In addition, the Commission has been making the case that the time has come to revisit the question of whether and how the DOE should have some staff dedicated to assisting with the interface between charter schools and the larger education system, particularly with respect to the DOE's functions as the State Education Agency (SEA), as opposed to its functions as a school district. This was considered during the development of Act 130 but reportedly was rejected by the charter schools.

What also has become abundantly clear is that the Commission must do a better job of raising awareness of its authorizer-appropriate efforts on behalf of Hawaii's charter schools. This is not always comfortable in our local culture, and the Commission has opted to spend its time focused on doing the work, rather than talking about it. Experience generally has not borne out the hope that the Commission's efforts and their results would speak for themselves.

Compliance expectations

Some schools complained in the BOE report that fulfilling compliance requirements takes school leaders' efforts away from students and teachers. While the Commission understands that challenge in our lightly staffed schools, every public school must fulfill both its educational responsibilities and its legal obligations. This dual responsibility is doubly inherent in the independent governance and management that are the essence of chartering.

Far from imposing unreasonable compliance demands on the schools, the Commission has been deliberately incremental in implementing and enforcing organizational performance expectations. It has been candid about this with state policymakers. This approach, while intended to recognize the realistic challenges in achieving compliance with requirements that, however basic, were not consistently expected of the schools for so long, does entail some risk. Indeed, the Commission's somewhat lenient approach was the subject of criticism from the opposite direction by the State Auditor in its recent study of charter school governing boards, available [at this link](#), that was prompted by the collapse of Halau Lokahi Charter School.

That the Commission would prioritize relatively more highly a system compliance risk in light of a revelation at one or more schools is to be expected. The State Auditor criticized the Commission for, among other things, relying too heavily on self-reporting by the schools. In response, the Commission noted that its approach to enforcement necessarily ranges on a continuum from requiring affirmative Commission approval to only looking into a matter once brought to its attention. Once a serious problem has been revealed at one or more schools, it would be irresponsible for the Commission not to seek to confirm that the problem is not more widespread. Protecting the public interest—and the schools themselves—in this way does not amount to a form of “collective punishment.”

Another source of confusion is that many agencies rely on the Commission to apprise schools of compliance requirements that are not of the Commission's creation. For example, a count of compliance demands indignantly attributed by one school to the Commission was found to consist largely of the routine requirements accompanying federal funding. In an attempt to assist the schools by compiling applicable compliance requirements into one convenient place, the online reporting platform Epicenter, the Commission finds itself criticized for overburdening schools.

That said, the Commission already has committed to forming a working group with charter school representatives to brainstorm about potential ways to fulfill compliance needs with less administrative burden. The Commission also has been talking with schools, as well as with nonprofit including HPCSN and for-profit entities, about opportunities to help schools realize collective efficiencies in fulfilling these tasks.

Because of the unique evolution of chartering here, Hawaii has chosen the unusual—and in some ways highly problematic—approach of making its charter schools state agencies, rather than nonprofit organizations as they are in other jurisdictions. While this provides significant savings to the charter schools in the form of employee fringe benefits, it not only adds to compliance requirements but also potentially puts the public at risk for any liability arising from a charter school's actions. The responsibility of the authorizer to help mitigate these inherent risks is a challenging one, not only substantively but, as we are seeing, politically. Effectively performing this

duty protects the schools themselves, which know all too well how a legal failure by one can tarnish the reputations of all.

The difference between listening and agreeing

Some complaints were voiced to the BOE that the Commission fails to solicit or consider input from the schools in making its decisions. This assertion is flatly belied by the Commission's record of going to truly extraordinary lengths to discuss important decisions with the schools and other stakeholders. The charter contract and, more recently, the contract renewal criteria were adopted only after months of discussion and many hours of meetings with the schools and lengthy Commission meetings. Both the contract and the renewal criteria incorporate a great many proposals and suggestions offered by the schools.

However, in executing its responsibilities, the Commission cannot agree to everything some charter schools may desire. Standing firm on a particular point does not mean that the Commission has not listened. One example cited was the Commission's decision about the proper consideration of a school's WASC accreditation status in contract renewal decisions. The Commission explained repeatedly why it could not responsibly agree to consider WASC accreditation in the way some schools had initially desired, noting that it even had discussed the issue with WASC representatives, but it still found a way for the schools to be able to include certain WASC findings in their renewal applications and have them factored into renewal decisions.

Performance expectations

Under state law, the Commission sets performance expectations for the charter schools. These outline the "what" when it comes to good outcomes for children, while affording charter schools great flexibility as to the "how." Neither setting some expectations in common among charter schools, nor recognizing that, as public schools, they are accountable for meeting state standards, represents an undervaluing of charter innovation. Having reasonable and consistent expectations regarding performance and achievement is not tantamount to turning every charter school into a DOE school.

Even so, the Commission's academic expectations in fact recognize charter school uniqueness in very significant ways. The Commission calculates certain Strive HI performance data differently for charter schools, allows Hawaiian immersion schools to request that the Commission disregard the assessment results for younger grade levels while Hawaiian language assessments still are being developed, and allows schools to propose one or more of their own school-specific measures (SSMs) that reflect their school's unique mission and priorities.

The potential weighting of SSMs for as much as 25 percent of a school's academic results actually makes the Commission an outlier among authorizers nationally. Indeed, the national trend has been for authorizers to back off on the use of SSMs in favor of greater adherence to the state accountability systems.

The BOE report repeated some mythology about the Commission's approval rate of SSMs proposed by the schools. This incorrect information already has been debunked via a working group meeting with the schools since the publication of the BOE report, and the Commission is optimistic that more schools will be developing and proposing strong SSMs for Commission review and approval.

The meaning of “bilateral”

Some schools have continued to insist that, because state law describes the charter contract as “bilateral,” the Commission should negotiate a unique performance contract with each of the 34 schools. The Commission has consistently explained that a “bilateral” contract means simply that it is a two-party contract between the Commission and the charter schools’s governing board, so that, for example, it cannot also bind the DOE or other state agencies. More recently the Department of the Attorney General has made this point in testimony at the Legislature. The Commission also has emphasized that if a particular draft contract provision is truly incompatible with some particular circumstances at one school, that one provision can be revised to include alternative language so that the appropriate alternative applies to the relevant set of circumstances at each school.

That said, and as noted above, the Commission engaged in prolonged discussions with schools over every line of the charter contract, making many revisions in responses to their suggestions. As a practical matter the Commission is not funded to staff a school-by-school approach to contracting within an appropriate timeframe. As a policy matter, the charter contract applies fairly and even-handedly to all schools, and it is a relatively spare document, numbering 17 pages without exhibits. This approach is in keeping with national best practices.

On a related point, while the Commission has taken no position on the desire of some schools to retain private legal counsel, the Department of the Attorney General has advised the Legislature against this. As state agencies, the Department argues, charter schools must obtain their legal counsel from their State-assigned attorneys.

Communication challenges

Some complaints in the BOE report concerned communications with the Commission and its staff.

To be candid, the Commission and its staff often find themselves “walking on eggshells” when dealing with some of the schools and go to considerable measures and demonstrate great patience to prevent and defuse difficult interactions. Those familiar with Hawaii’s charter scene can judge whether it is the Commission staff that is the source of “contentious, antagonistic, oppositional” communication as cited in the BOE report.

The Commission sets a high standard among state agencies for transparency, with online availability of written recommendation on virtually every decision. Collectively, the volunteer Commissioners themselves have visited all but a few of the charter schools, and several also made themselves available individually during the development of contract renewal criteria. Written communications to Commissioners are dutifully forwarded. While the Commission’s meetings are already available “live” over the Internet to allow schools and other interested parties to listen and participate, the Commission also is looking into again holding some meetings on the neighbor islands.

That said, the Commission acknowledges the real communication challenges that have come of the urgency with which the charter sector has had to improve and from the stresses this has placed on Commission and schools alike. The Commission staff is on track to meet with every school’s governing board this school year, and so far these meetings have been very favorably received by the boards and school staff, who say they have contributed to greater trust and understanding. Staff members are considerably more present in the schools this school year, and that is expected to

continue. The Commission staff also has been restructured to allow for the creation of a Communications Coordinator position, which is anticipated to help with being more proactive in addressing communications challenges.

Conspiracy theories

While some of the comments in the BOE report may be attributed to honest differences in roles or opinion, or to reasonable misunderstandings, others cannot be viewed so charitably. Among these are several conspiracy theories about the Commission or its staff.

One insinuation concerns supposed Commission delay in release of school funding, an apparent reference to a complication with part of one year's significant but temporary increase in federal Impact Aid funds. This complication was the consequence of one school's actions and had the effect of harming all charter schools, requiring the Commission to obtain a correction from the Legislature to prevent that harm from recurring.

From its outset the Commission has conscientiously gone above and beyond the call to maximize funding to schools. After restructuring the CSAO staff into the Commission staff and meeting other expenses associated with the transition to the new law, the Commission released significant saved funds to the schools—against the advice of some policymakers who, based on hard experience, strongly recommended that the Commission retain the funds for unanticipated exigencies. The Commission later secured a statutory amendment from the Legislature ensuring that funding for the Commission transitioned from coming out of the school funds to being appropriated entirely separately.

More recently a school that was on the verge of failing to make payroll—and thus forfeiting its charter contract—was preserved only because the Commission fortunately was in a position to advance the school a FICA reimbursement payment, before the Commission even had received the funds.

Another accusation is that the attention to charter schools from other regulatory state agencies must be at the instigation of the Commission. When complaints and allegations against schools arise, the Commission generally has taken the stance that where another agency has the jurisdiction and the greater expertise and capacity to look into the matter, that agency should do so rather than the Commission. In other instances, as the charter system's credibility, accountability, and interface with the rest of the state have improved, numerous other agencies more frequently have approached the Commission for assistance in dealing with up to 34 disparate schools, which they sometimes find uncommunicative or uncooperative. In these instances the Commission is merely the messenger but becomes the focal point of any negative reaction.

When the State Auditor embarked on its self-initiated study of charter school governing boards, it selected several schools on its own to interview based on past incidents at those schools, informing the Commission of its decision after the fact. And as some of the Commission's most strident critics are in the best position to attest, it is not as though the Ethics Commission began to pay attention to issues in charter schools only after the Charter School Commission was created.

Regardless, the Commission frequently works hard behind the scenes to help these other agencies understand the challenges charter schools face and to find practical ways to solve compliance

problems in ways that work for charters. As one example, when the Department of Human Services (DHS) received a new legal interpretation of the law requiring licensure of preschool, before-school, and after-school programs in charter schools, the Commission labored at length with that department to ensure that charter schools were afforded the time needed to come into compliance, despite DHS's well-founded concerns about potential liability in the meantime.

IV. Moving forward

The BOE's most recent engagement with charter school issues presents a real opportunity to help take Hawaii's charter system to the next level, rather than risk rolling back the progress that has been so painstakingly made by both the Commission and the charter schools—and that owes so much to the BOE's own attention to charter schools and its strong support of the transition to the new law and to the Commission's authorizing role.

Now the BOE is uniquely positioned to play a constructive part in fostering a needed systemwide discussion of the place of charter schools in our public school system and their interface with that system and with the rest of the State. Renewed attention to the DOE's potential interaction with charters, statutorily mandated attention to longstanding and unresolved concerns over the transparency and equity of federal funding for charter schools, and identification of systemic approaches to the dissemination of information on innovative practices in charter schools are but a few of the critical topics that such a conversation could fruitfully address.

The Commission will be forming its own Permitted Interaction Group of Commissioners to facilitate this discussion and more generally improve communication with the BOE on the challenges and opportunities before us. Coinciding with the BOE's revisiting of its strategic plan and the Commission's initiation of its own strategic planning, this is the kind of interaction that offers real promise to our hardworking public charter schools and the over 10,000 children they serve.

Exhibit 1

Catherine H. Payne
98-715 Iho Place #1404
Aiea, HI 96701

January 13, 2016

TO: Lance Mizumoto, Chair- State of Hawaii Board of Education
Members of the State of Hawaii Board of Education

Catherine Payne

FROM: Catherine Payne, Chair- State Public Charter School Commission

SUBJECT: Comments on agenda item for General Business Meeting on
January 19, 2016 Concerning Charter School Listening Tour

I regret that I am unable to be with you in person to respond to the document describing the Charter School Listening Tour. I have work responsibilities that could not be moved to another day.

I have read the report and all of the attachments that are posted on the BOE website. While I will reference some of the statements in the document as examples, I will not go point by point. I am disappointed that your investigator, Jim Williams, chose not to speak with anyone on the Commission or on the Commission staff before publishing his report. Comments and allegations were collected in a manner that made the result predictable and appear here to be presented as facts. The compilation serves as a preemptive attack that could discount any future response from the Commission. I find it curious that someone who purports to be interested in seeking facts would simply take down all the comments and share them publically in this way, as if they were true. If I were still teaching logical fallacies I would use this as an example of "Poisoning the Well".

As I read through Mr. Williams report I saw issues aligning in five categories.

- Concerns around the new reality of the Commission replacing the CSAO/CSRP with different focus and duties as defined in the new state law,
- Concerns that have been raised with the Commission and have been addressed, sometimes multiple times; some of these are particular to individual schools and staff has worked individually and privately with them to address the issues,
- Concerns with the performance frameworks that have been developed and are currently being used to address school accountability for academic, financial, and organizational performance,
- The ongoing disagreement on the meaning of "bilateral contract" and
- Communication and interpersonal issues that included allegations of harassment and incompetence.

I believe it is appropriate to mention this Board's instrumental role in designing the transition from the CSAO/CSRP (Charter School Administrative Office/Charter School Review Panel) to the current model. It was through their designation and contracting of NACSA (National Association of Charter School Authorizers) that the law was written and the performance frameworks were developed. NACSA has continued to play an advisory role to the commission, keeping us well informed of best practices. The BOE was "hands-on" in the establishment of the commission and in their expectation that new leadership was needed for this new era in Hawaii's charter schools.

While it might be more prudent for me to accept the comments as they are presented and hope that a more balanced presentation would be forthcoming, I have decided that to do so might be interpreted by you as agreement with Mr. Williams' report. Therefore, I will make comments on only a few specific statements in the report. In no way is this a comprehensive response to the all that is presented, but I hope it will give you some insight into what I see as a biased view of the Commission. The bulleted points are taken directly from the report. My responses follow:

- ***Another attendee raised the fact that the Commission looks at the timeliness of reports submitted through Epicenter, not necessarily the accuracy of the reports. Schools are encouraged to just get the reports in on time, but then the reports are scrutinized for discrepancies.***

First, this is presented as a "fact". Second, it is self-contradictory: *The Commission does not care about accuracy and the Commission looks for discrepancies.* The facts are that the commission expects reports to be submitted on time and expects them to be accurate. Some of the deadlines are beyond the control of the commission. On many other occasions when schools have asked for extensions due to special circumstances, they have been granted. Even when critical deadlines are missed the resulting intervention timeline is quite generous.

- ***The Commission was also described as a rubber stamp for the Commission staff. One attendee questioned whether the chairperson or the Executive Director is leading the Commission, with another pointing out that during Commission meetings the Executive Director sits next to the Chairperson and whispers and passes notes to her. An attendee also alleged that the Commission violated the Sunshine Law by holding a secret meeting regarding a school.***

A review of minutes from Commission committee and general business meetings is all that is needed to refute the "rubber stamp allegation. The Executive Director has a position description that assigns the responsibility for leading the staff and providing information and recommendations to the Commission so that decisions can be made. He has recently relocated to the table next to the Chair at general meetings at my request.

This is the same place the Superintendent sits at BOE meetings. There has been an occasional note or quiet comment between us, but this is rare. The Commission held a brief adjudicatory meeting on the recommendation of our counsel to confirm a prior decision made repeatedly in public meetings. It was not a "secret" meeting and the resulting decision was published. This is consistent with how the BOE makes certain decisions.

- ***There were also questions as to whether the Board had oversight of the Commission's budget because the Commission exceeded its budget in the past and took funds from the schools to make up the deficit. Attendees stated that the Commission staff made decisions regarding the Commission's budget and these actions, not the Commission.***

This would appear to be accusing the Commission staff of taking money from the schools to cover Commission expenses. The CSAO model was funded with a percentage of the per-pupil allocation. When the Commission was established the Executive Director worked with the legislature to change to a separate allocation for the Commission. The Commission adheres to the Legislature's budgetary directives as to school funds and Commission funds.

- ***An attendee commented that Commission staff does not facilitate collaboration between schools or the sharing of information. When a school asked to see the approved SSM [school specific measure] it was told to contact the school directly.***

This was an appropriate response to the school. I would expect that the school with the approved SSM would prefer to communicate directly with the requesting school. The Commission hosts many webinars and in-person meetings where schools can communicate with each other and staff. We also send out a weekly newsletter.

- ***Attendees stated that Commissioners are not listening to the schools. Only 2-3 Commissioners have made the effort to go to the school level to listen to people and as a result they are not making fully informed decisions. An attendee questioned whether the Commission is doing its due diligence when voting. An attendee described a huge disconnect between charter schools and the Commission because the Commission is not actively listening to the schools.***

All Commissioners have visited schools in addition to the time they volunteer at least twice each month for meetings that frequently last all day. These meetings are opportunities for schools to testify in person, on the phone, or in writing. Commissioners read all written testimony. Commissioners, like BOE members, have professional responsibilities beyond the voluntary commitment they have made to Commission work.

There is much more that could be provided to you in response to the report of your investigator. I hope that you will be open to hearing from Commission staff and Commissioners. Our Executive Director leads an exemplary group of professionals who are dedicated to Hawaii's charter schools. This entire process has been demoralizing to individuals who have been going above and beyond the expectations I have of staff. They have given personal time and emotional energy to accomplish what we understand to be the expectations of the BOE and of Act 130. The suggestion of retaliation from the Commission and from outside agencies under prompting from the Commission is serious and could have legal implications so I will not comment specifically in this testimony. However, I take accusations against my professionalism and integrity very seriously

I understand that an individual's perception can also be his or her reality. I also understand that a few strong voices can disproportionately influence the direction of a discussion and silence the comments of those who might disagree but who are reluctant to speak up in front of peers. We have received comments from schools and governing board members that are not aligned with the comments reproduced in your report. Those who have expressed their feelings to us prefer not to go public as they do not want to aggravate those who have taken the lead in advancing this agenda.

As we move forward, it is my hope that the Board will carefully consider the next steps with an understanding that the report they have received is a collection of allegations, perceptions, and opinions to which we have not had an opportunity to respond. The investigator's "listening tour" collected only a portion of the picture of charter schooling in Hawaii. I would welcome an opportunity to respond.

This testimony is my own and should not be viewed as the position of the Commission. We were not made aware of the content of the report and the recommendation in time to discuss it at our January meeting.

Public Testimony for January 19, 2016 Meeting

TO: Lance Mizumoto, Chair- State of Hawaii Board of Education
Members of the State of Hawaii Board of Education

FROM: Karen Street, Vice Chair- State Public Charter School Commission

SUBJECT: Comments on agenda item for General Business Meeting on January 19, 2016:
Report on the 2015 Charter School Listening Tour

Thank you for the opportunity to provide testimony regarding the report on the recent Charter School Listening Tour. Please note that since the Commission has not yet had the opportunity to discuss this report, this testimony reflects my personal opinions and not that of the Commission.

My name is Karen Street and in my current volunteer capacity, I serve as Vice Chair of the State Public Charter School Commission. Previously, I served alongside Jim Williams as a member of the Charter School Review Panel, the predecessor to the current Commission and also as a Board member of Ho'okako'o, the governing board for 3 of our current charter schools. In my professional career, I have served in executive leadership positions in the banking and insurance industries for over 30 years in the areas of human resources, organizational development, process improvement, and strategic planning.

I would like to first thank you for the time and commitment you invest as a volunteer to serve on the BOE and helping to improve our overall public school system. I also commend the Board for your increased leadership actions which acknowledge Charter Schools as part of the public school system.

In his book, Leadership is an Art, Max Depree says, the first role of leadership is to define reality. I think we will all admit that is more easily said than done. While I read the Listening Tour report with much disappointment and sadness, I also acknowledge that it represents "reality" as perceived by those who took the time to provide their comments.

My testimony today is not to refute "their reality", but rather to ask the BOE to consider the following comments and questions, as you work to define what the reality of our Charter School system is:

- The formation of the State Public Charter School Commission was intended to implement the transformation to a more accountable Charter School system, which would instill public confidence and in turn support high performing public charter schools. The key word being "transformation", which is always accompanied with (1) uncertainty and risk, (2) communication challenges, including defining a new common language, (3) establishing new protocols/processes, which involves a bit of trial and error, (4) setting expectations and measurements, which help to define new behaviors, and (5) fear and resistance to the transformation. Taking on the responsibility for any transformation and/or new ideas/direction usually means you will take arrows to the back...as did our pioneers, criticism...as did NASA, and skepticism....as did Galileo, Salk, and Steve Jobs. So judging from the report, my sense is there are definitely signs of a transformation in progress.
- Communication is a 2-way street, and both the communicator and the receiver have responsibility for ensuring it takes place. I often tell leaders when they say they have told staff something, but they did not listen or hear the feedback to ask themselves "why" and what responsibility they bear in finding alternatives for the message getting through. On the other hand, when staff tells me their leaders don't communicate with them, I ask them what they have done to initiate communication. Communication, like marriage, isn't a 50-50 commitment....it is a 100% - 100% commitment to fill

in any gaps. In addition, and very important to keep in mind, being heard doesn't always mean agreement to the other parties' viewpoint.

- Are the Commission and our staff perfect? Of course not, and any entity that is without flaws is probably non-existent today. In the demanding world we operate in, a bias toward action has been driven by previous audit findings, legislative expectations of using public funds wisely, less than positive reports on the state of Hawaii's charter schools, and a desire to improve the perception of charter schools such that they are allowed to grow and thrive within the public school system. The report speaks about encouraging innovation, and I definitely agree. However shouldn't that be true at both the school and Commission level? Mistakes will happen when embarking on a new path, but if we as leaders focus on the mistake versus accountability for the recovery, we will surely encourage extinction.
- Shouldn't chartering with "aloha" work 2-ways? Shouldn't the golden rule apply to all parties? I've often watched Commission staff take the upper road, as they listened in silence to malicious words, attacks on their character, slurs on their intelligence and integrity, all in an effort to diffuse a situation.
- There appears to be a lot of assumptions regarding Commission and Commission staff intent in the report. How is that intent known? What assumptions are folks operating under and are a lot of things being "made up" without enough information or confirmation? I will fully attest the intent of the Commission and Commission staff is to ensure high quality charter schools that can help improve the overall success of public education to benefit our children and ultimately our communities.
- The word "retaliation", a very strong word that implies intent, was used in several instances. How is retaliation being defined, what constitutes retaliation, and how is intent being confirmed? Is there any truth to the sense that some people in the schools who support the Commission's direction have been given very little encouragement to voice their divergent views publicly? Doesn't chartering with aloha need to be able to support opposing viewpoints in a healthy and open environment?
- Act 130 already provides for multiple authorizers, so the questions are how will multiple authorizes benefit the quality of charter schools, what is the appropriate timing, and how will funding/resources be leveraged with multiple authorizers?
- Please review the minutes of the Commission meetings to validate the statement the Commission is a "rubber stamp" of staff recommendations. I can tell you that being on the Commission has not been easy work, and I value the independent thinking of each Commission member. While decision-making often reflects various and sometimes conflicting viewpoints, at the end of the day each Commission member votes his or her view of not what is the "popular vote", but rather what is best for our students and the improvement, agility, and stability of quality charter schools. To suggest anything less is a dis-service to the Commissioners.

In closing, while not speaking for the Commission, I would personally welcome the BOE doing some impartial fact-finding to help them define reality and to provide the opportunity for a "listening tour" of Commissioners and Commission staff that did not occur before the release of this report.

Thank you for the opportunity to provide testimony and your thoughtful deliberations.

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

DATE: January 19, 2016

TO: Lance A. Mizumoto, Chairperson
State Board of Education

FROM: Tom Hutton, Executive Director
State Public Charter School Commission

SUBJECT: General Business Meeting: Testimony on Report on 2015 Charter School Listening
Tour, proposed Action on Permitted Interaction Group, and Development of
Administrative Rules for Multiple Charter School Authorizers

Thank you for this opportunity to comment on today's agenda items that relate to Hawaii's public charter school sector and the Board of Education's responsibilities toward that important part of our public school system. My testimony today is submitted in my capacity as the executive director of the State Public Charter School Commission, which has not had occasion to adopt formal positions on the items before you. Individual Commissioners also may be testifying on their own.

The creation of an impartial Permitted Interaction Group to engage with the Commission to develop a more complete and balanced picture of the kinds of issues compiled in the report on the charter school listening tour is to be welcomed. While we have not had time to go through every detail in these 60 pages, most of the issues raised initially appear not to be new and to have been the subjects both of Commission discussions with schools and other stakeholders and of Commission deliberations. Just as the Commission carefully considered and addressed the findings of the State Auditor in its recent report as to the Commission's oversight of schools, we will carefully consider what constructive criticism may be contained in this report, as well as what even the less constructive comments may suggest about the communications challenges related to the Commission's difficult responsibilities. We are confident that we can address any concerns the Board may have, in the appropriate time, place, and manner.

The Board may wish to consider, however, whether scope of the group's work as currently proposed is too narrow. The issues that it is proposed to address—whether a special review of

the Commission is warranted and whether the Board should support some proposed legislation—would be better informed by placing these narrow issues in the necessary context of a larger and much needed discussion about chartering, charter authorizing, and the Board’s and the Department’s roles with respect to the charter sector. As the Board initiates the promulgation of administrative rules relating to new authorizers, as the Commission embarks on a more formalized strategic planning process, and as the Board looks ahead to reviewing its own strategic plan, this larger discussion between Board and Commission will be critical. Styling the Permitted Interaction Group an “investigative committee” based on what information the Board has received at this early stage may not set the appropriate tone for the thoughtful interaction that is needed.

Thank you for your consideration of these comments.