



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

---

Testimony Presented Before the  
House Committee on Higher Education  
and  
House Committee on Economic Revitalization, Business, and Military Affairs  
on  
Thursday, February 4, 2010 at 10:30 a.m.  
Conference Room 312

Written Testimony

By

Virginia Hinshaw, Chancellor  
University of Hawai'i at Mānoa

And

Christine K. Sorensen  
Dean, College of Education  
University of Hawai'i at Mānoa

### **HB 2830: RELATING TO CHARTER SCHOOLS (ELS)**

Chairs Chang and McKelvey, Vice Chairs Nakashima and Choy, and Members of the Committees:

The University of Hawai'i appreciates the legislature's attempt to indicate its support for the Education Laboratory School (ELS), but has concerns about factual errors in the bill as written. Moreover, the proposed statutory change that specifies use of facilities is a critical issue as passage of this action would have a negative impact on the interests of both the ELS and of the University of Hawai'i at Mānoa (UHM). The University therefore, cannot support HB 2830.

Section 2, on pages 2 and 3 of HB 2830 attempts to define the facilities used by the ELS, but is confusing and seems to be based on incorrect information. There are a number of shared-use facilities used by both the COE and the ELS, including office space and classrooms. This has been historically true. Some of the spaces identified in this section (e.g. the adjacent portable classroom building, some of which are located directly mauka of the multi-purpose building and others of which are located mauka-ewa of the multi-purpose building") seem to describe facilities currently used by the Center on Disability Studies and Hookulaiwi, the College's

Native Hawaiian and Indigenous Education group. Classroom facilities indicated also are shared use with university classes conducted in them during evening hours are well as during summer and other times when K-12 classes are not in session. This section appears to specify use of University owned and operated facilities. To designate in statute the use of University facilities exclusively by the education lab charter school would circumvent the ability of the University to determine the use of its own space. Furthermore, allowing such restrictions on UH facilities hampers long range planning alternatives.

We also have concerns about what appear to be inaccuracies or mistaken assumptions in some of the language of HB 2830:

- Reference to the “donative intent of the Castle family of Kāne‘ohe” is factually incorrect. Castle Memorial Hall is located on the University of Hawai‘i campus and was donated by the Samuel N. and Mary Castle Foundation, not the Harold K.L Castle Foundation in Kāne‘ohe. Historical documents indicate that the building was designed specifically for early childhood teacher preparation, not as a K-12 school. Early childhood teacher preparation is a responsibility of the UHM College of Education. Castle Memorial Hall continues to be used as an early childhood education site that includes the UHM Child Center (managed by UHM) and the elementary grades of ELS. Both of these partner with the COE in the preparation of elementary and early childhood teachers.
- Summer school is not offered by the ELS, but rather has been a UHM activity through the Curriculum Research & Development Group (CRDG). Summer school has a long history as part of the UHM College of Education tradition. The UHM facilities that are used by the ELS during the regular academic year are used by UHM for summer school as well as teacher professional development activities during the summer session. The COE is not the only group at UHM that provides summer learning activities for K-12 students during the summer.
- It is unclear why the ELS would have a separate board for summer school, particularly in light of the earlier explanation that it is not the ELS that has traditionally conducted summer school. There is an appearance that through legislation, there is an attempt to replace the entire ELS Local School Board. If so, the action would violate current charter school law and essentially establish a separate “charter” school just for summer programs.

We also have concerns about the language of HB 2830 which should be reviewed as they appear to be in conflict with current charter school law:

- Inasmuch as the ELS has a close partnership with the COE as defined in its initial charter, it is of value to have this constituent voice represented on the Board just as others who have an interest in the success of the school are represented on the board (i.e., parents, students, teachers, and staff). To exclude all those directly or indirectly affiliated with the University of Hawai‘i is

to exclude a large number of individuals from potentially serving as that would cover all ten institutions plus system level operations as well as those indirectly affiliated through such agencies as the University Foundation. Also, as currently constructed it appears to perhaps limit participation by university students or alumni or potentially even other university partners as it is not restricted to employees. It should also be noted that Hawaii Revised Statutes §302B-3(b)(6), mandates that, “two representatives of the University of Hawai‘i who are not affiliated with the Charter Schools” are a part of the Charter School Review Panel.

- Section 4 appears to violate current charter school law and sets up one individual as chair of the ELS Board for a period of three years, inconsistent with both the former and current bylaws of the ELS. It also provides for the chair alone to appoint the other members of the Board, again, this appears inconsistent with the law (see HRS §302B-7(a)(1)-(5) and with the current and former bylaws of the organization. Such a change gives unprecedented power to one individual, the board chair, and is not aligned with practice at this or other charter schools

The ELS and the COE have a long and committed relationship. Both have an interest in developing a strong charter school where K-12 students thrive, preservice teachers are exposed to best instructional practices, and high quality curriculum and instructional methods are developed and disseminated to improve instruction both in the local charter school and beyond.

UHM is committed to continuing the partnership with the ELS and sees no purpose in passing the legislation outlined here. We are not aware of problems that need to be addressed through legislation and are puzzled that legislation that appears to create an adversarial relationship between the ELS and the University rather than a true partnership is even being considered.

UHM is opposed to passage of HB 2830 and urges the legislature to consider carefully the best interests of both the ELS and the UHM. Neither the ELS Local School Board nor UHM has requested such legislation.

Thank you for the opportunity to testify.