



HAWAII TECHNOLOGY ACADEMYSM

Hawaii Public Charter School #551

94-810 Moloalo Street
Waipahu, Hawaii 96797
808-676-5444
808-676-5470 (Fax)

LATE TESTIMONY

February 22, 2010

Honorable Donna Mercado Kim, Chair
Senate Committee on Ways and Means

Re: SB2589 SD1, Relating to Charter Schools - Support
February 22, 2010, Conference Room 211, 10:20 AM

Aloha Chair Kim, Vice Chair Tsutsui and Committee Members:

On behalf of the Hawaii Technology Academy (HTA), a public charter school which serves students in Oahu, Kauai, Hawaii Island and parts of Maui, thank you for the opportunity to offer testimony in support of these bills.

We support SB2589, which requires the DOE to make such facilities available and establishes a process for the DOE and Charter School Review Panel to review, approve or deny applications for such facilities.

We support legislation authorizing public charter schools to have first access to all or a portion of DOE school facilities in the event of a closure. Currently, many start-up public charter schools must go into the market to find and renovate commercial space to accommodate classroom, library and other work space to support an environment for learning. This investment in facilities is costly and must be balanced along with providing curriculum, personnel costs and other expenses required to run a school.

HTA is one of Hawaii's 31 public charter schools that are part of the state public school system. Like Hawaii DOE schools, charters comply with federal and state education standards. We support efforts like this to improve Hawaii's public education system.

Most of all, we endorse changes that create equitable funding and a supportive environment for all DOE and public charter schools to better position Hawaii in competition for U.S. Department of Education's Race to the Top (RTT) initiative. States with policies in place supporting equitable funding for all public school students are at greater competitive advantage to qualify for RTT and other federal grant programs.

For these reasons, we respectfully urge members to support the passage of this bill.

Sincerely,

Jeff Piontek
Hawaii Technology Academy Head of School

CHARLES K. Y. KHIM

Attorney-At-Law

Clifford Center, Suite 502
810 Richards Street
Honolulu, Hawaii 96813-4700

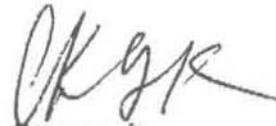
Telephone: (808) 537-5305
Facsimile: (808) 599-6218
E-Mail: ckhim@khimlaw.com
Letterhead Created & Printed In-house

February 22, 2010

**SB 2589, SD 2 – Favorable Testimony
With Amendments
(Relating to Charter Schools)**

To: Chair: Hon. Donna Mercado Kim (WAM),
Vice-Chair: Hon. Shan S. Tsutsui (WAM);
Members: Senate Committee on Ways & Means From:

From: Charles K.Y. Khim, Esq. – Attorney at Law



Thank you for this opportunity to present testimony in favor, with amendments, of SB 2589, Proposed SD 2. This bill provides for the usage of public school property by charter schools.

While this bill provides for the future usage by charter schools of public school buildings and facilities which become vacant in the future, this bill does not address what occurs with previously vacant public school properties which are currently being used by charter schools.

Regarding such schools, legislation is needed to clarify that those schools will remain in their existing public school buildings until there is a need for those buildings by the state. At that time there should be a negotiation process whereby the existing needs of both the charter school and the state will be accommodated.

In addition, the definition of "public school" needs to be clarified in order to comply with the definition of the term "public

school" which is set forth by the State Attorney General in Attorney General Opinion No. 64-55.

Furthermore, a new section must be added in order to require the Charter School Administrative Office to promulgate administrative rules to implement the additional duties that said Office will incur by reason of the amendments set forth in section 6 of the bill. For stylistic purposes, section 6 could not contain a provision which required that Office to promulgate administrative rules.

In order to remedy this situation I propose that the amendments which are attached hereto be adopted. They constitute an amendment to the definition of the term "public school" and new statutory language which addresses the situation of existing charter schools.

Thank you for this opportunity to present testimony before these honorable committees. I will be happy to answer any questions of the committee members at the appropriate time.

CKYK:rwd

Attachments

CHARLES K. Y. KHIM
Attorney-At-Law

Clifford Center, Suite 502
810 Richards Street
Honolulu, Hawaii 96813-4700

Telephone: (808) 537-5305
Facsimile: (808) 599-6218
E-Mail: ckhim@khimlaw.com
Letterhead Created & Printed In-house

February 22, 2010

**SB 2589, SD 2 – Favorable Testimony
With Amendments
(Relating to Charter Schools)**

Attached Sheet Stating Proposed Amendments

Amend section 2, new section (f) to read as follows:

(f) For purposes of this section:

“Public school” means any school that falls within the definition

Of public schools in section 302A-101, or Attorney General Opinion

No. 64-55, except for charter schools.

Amend section 2, by adding a new sub-section to be appropriately
designated and to read as follows:

§302A- () Any charter school which was previously a
public school immediately prior to its transformation into a charter
school, or which utilizes buildings or facilities which were previously

utilized by a public school immediately prior to being utilized by the charter school, shall be given continued exclusive use of those buildings or facilities, provided that the state may reclaim some or all of those buildings or facilities if it demonstrates a tangible and imperative need for such reclamation, and the state and the charter school voluntarily enter into an agreement as to the amount of these buildings and facilities shall be reclaimed by the state, and time table for such reclamation. If such a timetable cannot be reached, then the state may petition the charter school review panel, in a contested case proceeding, for such reclamation with the charter school review panel granting such a petition only to such an extent that is necessary to fulfill the state's imperative need.

Add a new section 7, and re-designate the current sections 7 and 8 to 8 and 9 respectively, which shall read as follows:

Section 7. In order to implement the provisions in sections 2 and 6: (a) pursuant to the rulemaking procedures in chapter 91, the Charter School Administrative Office shall promulgate administrative

rules to implement the provisions set forth in section 6; and (b) any other law to the contrary notwithstanding, any charter school which was transformed thereinto from a public school within the meaning of Attorney General Opinion No. 64-55, but is not a conversion school within the meaning of section 302B-1 (1) and (2), shall have its local school board members who, under section 302B-7, are not required to be selected by the constituent groups stated therein, be selected and serve at the pleasure of the local school board chair who was first selected after the issuance of that charter school's charter.