

Honolulu, Hawaii

FEB 13 2012

RE: S.B. No. 2527
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Education, to which was referred S.B.
No. 2527 entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend section 302A-1151.5, Hawaii Revised Statutes, to require the Department of Education to give charter schools and pre-plus programs the right of first refusal to occupy all or a portion of public school facilities the Department is considering for closure; provided that in the event that no charter school or pre-plus program accepts an offer to use the public school's facilities, the facilities may be used for any other purpose the Board of Education deems appropriate; and
- (2) Require the Department of Education to identify unused public schools facilities for possible use by charter schools, early learning programs, or for any other purpose the Board of Education deems appropriate.

Your Committee received testimony in support of this measure from the Department of Human Services, Charter School Administrative Office, Office of Hawaiian Affairs, and Kewalo Hawaiian Homestead Community Association. Your Committee received testimony in opposition to this measure from the Department of Education and Hawaii Carpenters Union.



Your Committee finds that this measure will provide pre-plus programs and early learning programs the opportunity to occupy or use public school facilities that the Department of Education is considering for closure. Your Committee understands the concerns of the Department of Education in requiring it to give charter schools and pre-plus programs the right of first refusal to occupy and use these facilities when the facilities may have an alternative best use by the Department.

As such, your Committee has amended this measure by:

- (1) Removing language giving charter schools and pre-plus programs the right of first refusal to occupy all or a portion of public school facilities the Department of Education is considering for closure;
- (2) Specifying that the Department of Education may consider making all or portions of facilities of public schools being considered by the Department for closure available to charter schools and pre-plus programs; provided that the facilities may be used by the Department for any other purpose the Board of Education deems appropriate;
- (3) Changing the effective date to July 1, 2050, to ensure further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2527, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2527, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Education,



JILL TOKUDA, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Education
EDU

Bill / Resolution No.:* SB2527	Committee Referral: EDU, WAM	Date: 2-8-12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
NISHIHARA, Clarence K.	✓			
TANIGUCHI, Brian T.				✓
SLOM, Sam	✓			
TOTAL	5	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes