
SENATE CONCURRENT RESOLUTION

REQUESTING THE STATE PUBLIC CHARTER SCHOOL COMMISSION TO REPORT ON THE CRITERIA DEVELOPED AND PRIORITIZATION ADVISED FOR CHARTER SCHOOL FACILITIES FUNDING PURSUANT TO SECTION 302D-29.5, HAWAII REVISED STATUTES.

1 WHEREAS, there are thirty-seven public charter schools in
2 Hawaii serving nearly twelve thousand students statewide; and
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4 WHEREAS, these public charter schools are part of the state
5 public education system under the authority of the Board of
6 Education and the State Public Charter School Commission; and
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8 WHEREAS, public charter schools provide unique and valuable
9 educational opportunities by exploring, developing, and
10 implementing innovative education strategies, such as the
11 integration of Hawaiian language, values, and history into
12 culturally enriched curricula; and
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14 WHEREAS, the role of public charter schools as "innovation
15 labs" for public education informs their potential to improve
16 education standards in schools throughout Hawaii's public
17 education system; and
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19 WHEREAS, there are two types of public charter schools in
20 Hawaii: start-up charter schools that must procure their own
21 operating facilities; and conversion charter schools that were
22 converted from traditional Department of Education schools with
23 pre-existing facilities; and
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25 WHEREAS, according to the State Public Charter School
26 Commission's past testimonies to the Legislature, lease or
27 rental payments constitute a substantial portion of the
28 facilities expenses incurred by public start-up charter schools,
29 who collectively spent over \$5,300,000 on rent or lease payments
30 for school facilities during the 2015-2016 school year; and
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1 WHEREAS, during the 2016-2017 school year, both start-up
2 and conversion public charter schools spent an approximate total
3 of \$10,400,000 on rent and lease payments, repair and
4 maintenance, and utilities payments; and
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6 WHEREAS, while section 302D-28, Hawaii Revised Statutes,
7 mandates that the non-facility general fund per-pupil funding
8 amount for public charter school students be equivalent to the
9 non-facility general fund per-pupil base funding amount provided
10 for traditional Department of Education schools, there is no
11 provision to ensure equitable state funding for public charter
12 schools' unique facilities expenses; and
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14 WHEREAS, accordingly, public charter schools, particularly
15 start-up public charter schools, have had to use a significant
16 amount of their already stretched per-pupil operational funds to
17 pay for their facilities expenses; and
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19 WHEREAS, the lack of consistent state funding for public
20 charter school facilities expenses may significantly limit their
21 capacity to develop and provide innovative curricula for their
22 students, as well as to serve as "innovation labs" for
23 traditional Department of Education schools; and
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25 WHEREAS, section 302D-29.5, Hawaii Revised Statutes,
26 requires the Legislature to consider making an appropriation and
27 bond authorization to the State Public Charter School Commission
28 for the: design, planning, construction, repair, and maintenance
29 of public charter school improvements; expansion or improvement
30 of instructional space; provision of food services; and
31 provision of restroom facilities; and
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33 WHEREAS, despite the plain language of section 302D-29.5,
34 Hawaii Revised Statutes, contemplating appropriations for the
35 costs of instructional space, restroom facilities, and other
36 improvements necessary or incidental to a public charter
37 school's educational mission, questions have been raised
38 regarding whether the scope of section 302D-29.5, Hawaii Revised
39 Statutes, includes appropriations for lease or rental payments;
40 and
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1 WHEREAS, section 302D-29.5, Hawaii Revised Statutes, tasks
2 the State Public Charter School Commission to develop criteria
3 to determine the distribution of any funds appropriated for
4 public charter school facilities expenses, to include
5 distribution based on the need and performance of the charter
6 schools, overall benefit to the surrounding community, amount of
7 risk and availability of recourse to the State, and whether a
8 particular charter school received facilities funding through
9 other state funding, including grants-in-aid or a separate
10 appropriation; and

11
12 WHEREAS, section 302D-29.5, Hawaii Revised Statutes,
13 further establishes a Charter School Facilities Funding Working
14 Group within the Department of Education, to act in an advisory
15 capacity to prioritize the allocation of general fund
16 appropriations and bond proceeds for public charter schools to
17 expend based on the criteria established by the State Public
18 Charter School Commission; now, therefore,

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20 BE IT RESOLVED by the Senate of the Thirtieth Legislature
21 of the State of Hawaii, Regular Session of 2019, the House of
22 Representatives concurring, that the State Public Charter School
23 Commission is requested to report on the criteria developed by
24 the Commission, and prioritization advised by the Charter School
25 Facilities Funding Working Group, for charter school facilities
26 funding pursuant to section 302D-29.5, Hawaii Revised Statutes;
27 and

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29 BE IT FURTHER RESOLVED that the State Public Charter School
30 Commission, with input from the Charter School Facilities
31 Funding Working Group, is requested to provide a report with
32 recommendations, including any proposed legislation and any
33 recommendations related to funding expenditures for lease and
34 rental payments under section 302D-29.5, Hawaii Revised
35 Statutes; and

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37 BE IT FURTHER RESOLVED that the State Public Charter School
38 Commission is requested to submit its report to the Legislature
39 no later than twenty days prior to the convening of the Regular
40 Session of 2020; and

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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Chairperson of the
3 State Public Charter School Commission, the Executive Director
4 of the State Public Charter School Commission, the Chairperson
5 of the Board of Education, the Superintendent of Education, the
6 Comptroller, the Director of Finance, and the Chairperson of the
7 Board of Trustees of the Office of Hawaiian Affairs.

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OFFERED BY: _____

N.M.M.
By Request

