
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 a part of the
5 state public education system under the authority of the State
6 Public Charter School Commission and the Board of Education; 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 \$5.3 million on rent or lease
30 payments for school facilities in school year 2015-2016; in

1 2016-2017, both public start-up and conversion charter schools
2 spent an approximate total of \$10.4 million on rent and lease
3 payments, repair and maintenance, and utilities payments; and
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5 WHEREAS, while section 302D-28, Hawai'i Revised Statutes,
6 mandates that the non-facility general fund per-pupil funding
7 amount for public charter school students be equivalent to the
8 non-facility general fund per-pupil base funding amount provided
9 for traditional Department of Education schools, there is no
10 provision to ensure equitable state funding for public charter
11 schools' unique facilities expenses; and
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13 WHEREAS, public charter schools, and start-up public
14 charter schools in particular, have accordingly had to use a
15 significant amount of their already stretched per-pupil
16 operational funds to pay for their facilities expenses; and
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18 WHEREAS, the lack of consistent state funding for public
19 charter schools' facilities expenses may significantly limit
20 their capacity to develop and provide innovative curricula for
21 their students, as well as serve as "innovation labs" for
22 traditional Department of Education schools; and
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24 WHEREAS, section 302D-29.5, Hawai'i Revised Statutes,
25 requires the Legislature to consider making an appropriation and
26 bond authorization to the Public Charter School Commission for
27 the design, planning, construction, repair, and maintenance of
28 public charter school improvements; expand or improve
29 instructional space; provide for food services; and provide
30 restroom facilities; and
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32 WHEREAS, despite the plain language of section 302D-29.5,
33 Hawai'i Revised Statutes, which contemplates appropriations for
34 the costs of instructional space, restroom facilities, and other
35 improvements necessary or incidental to a public charter
36 school's educational mission, questions have been raised
37 regarding whether the scope of section 302D-29.5 includes
38 appropriations for lease or rental payments; and
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40 WHEREAS, section 302D-29.5, Hawai'i Revised Statutes, tasks
41 the State Public Charter School Commission to develop criteria
42 to determine the distribution of any funds appropriated for
43 public charter school facilities expenses, to include
44 distribution based on the need and performance of the charter

1 schools, overall benefit to the surrounding community, amount of
2 risk and availability of recourse to the State, and whether a
3 particular charter school received facilities funding through
4 other state funding, including grants-in-aid or a separate
5 appropriation; and
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7 WHEREAS, section 302D-29.5, Hawai'i Revised Statutes,
8 further establishes a Charter School Facilities Funding Working
9 Group within the Department of Education, to act in an advisory
10 capacity to prioritize the allocation of general fund
11 appropriations and bond proceeds for public charter schools to
12 expend based on the criteria established by the State Public
13 Charter School Commission; now, therefore,
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15 BE IT RESOLVED by the [originating chamber] of the
16 Thirtieth Legislature of the State of Hawai'i, Regular Session of
17 2019, the [non-originating chamber] concurring, that the State
18 Public Charter School Commission is requested to report on the
19 criteria developed by the Commission, and prioritization advised
20 by the Charter School Facilities Funding Working Group, for
21 charter school facilities funding pursuant to section 302D-29.5,
22 Hawai'i Revised Statutes; and
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24 BE IT FURTHER RESOLVED that the State Public Charter School
25 Commission, with input from the Charter School Facilities
26 Funding Working Group, is requested to provide any proposed
27 legislation and recommendations, including any recommendations
28 related to funding expenditures for lease and rental payments
29 under section 302D-29.5, Hawai'i Revised Statutes; and
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31 BE IT FURTHER RESOLVED that the State Public Charter School
32 Commission is requested to submit its report, and any proposed
33 legislation and recommendations, to the Legislature no later
34 than twenty days prior to the convening of the Regular Session
35 of 2020; and
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37 BE IT FURTHER RESOLVED that certified copies of this
38 Concurrent Resolution be transmitted to the Chairperson and
39 Executive Director of the State Public Charter School
40 Commission, the Chairperson of the Board of Education, the
41 Director of Budget and Finance, the Comptroller, the
42 Superintendent of Education, and the Chairperson of the Board of
43 Trustees of the Office of Hawaiian Affairs.
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____ C.R. NO. ____

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OFFERED BY: _____
By Request