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, HAWA‘I REVISED STATUTES.

WHEREAS, there are thirty-seven public charter schools in Hawai‘i serving nearly twelve thousand students statewide; and

WHEREAS, these public charter schools are a part of the state public education system under the authority of the State Public Charter School Commission and the Board of Education; and

WHEREAS, public charter schools provide unique and valuable educational opportunities by exploring, developing, and implementing innovative education strategies, such as the integration of Hawaiian language, values, and history into culturally enriched curricula; and

WHEREAS, the role of public charter schools as “innovation labs” for public education informs their potential to improve education standards in schools throughout Hawai‘i’s public education system; and

WHEREAS, there are two types of public charter schools in Hawai‘i: start-up charter schools that must procure their own operating facilities, and conversion charter schools that were converted from traditional Department of Education schools with pre-existing facilities; and

WHEREAS, according to the State Public Charter School Commission’s past testimonies to the Legislature, lease or rental payments constitute a substantial portion of the facilities expenses incurred by public start-up charter schools, who collectively spent over $5.3 million on rent or lease payments for school facilities in school year 2015-2016; in

OHA-2 Criteria and Prioritization of Facilities Funding for Public Charter Schools
2016-2017, both public start-up and conversion charter schools spent an approximate total of $10.4 million on rent and lease payments, repair and maintenance, and utilities payments; and

WHEREAS, while section 302D-28, Hawai'i Revised Statutes, mandates that the non-facility general fund per-pupil funding amount for public charter school students be equivalent to the non-facility general fund per-pupil base funding amount provided for traditional Department of Education schools, there is no provision to ensure equitable state funding for public charter schools’ unique facilities expenses; and

WHEREAS, public charter schools, and start-up public charter schools in particular, have accordingly had to use a significant amount of their already stretched per-pupil operational funds to pay for their facilities expenses; and

WHEREAS, the lack of consistent state funding for public charter schools’ facilities expenses may significantly limit their capacity to develop and provide innovative curricula for their students, as well as serve as “innovation labs” for traditional Department of Education schools; and

WHEREAS, section 302D-29.5, Hawai'i Revised Statutes, requires the Legislature to consider making an appropriation and bond authorization to the Public Charter School Commission for the design, planning, construction, repair, and maintenance of public charter school improvements; expand or improve instructional space; provide for food services; and provide restroom facilities; and

WHEREAS, despite the plain language of section 302D-29.5, Hawai'i Revised Statutes, which contemplates appropriations for the costs of instructional space, restroom facilities, and other improvements necessary or incidental to a public charter school’s educational mission, questions have been raised regarding whether the scope of section 302D-29.5 includes appropriations for lease or rental payments; and

WHEREAS, section 302D-29.5, Hawai'i Revised Statutes, tasks the State Public Charter School Commission to develop criteria to determine the distribution of any funds appropriated for public charter school facilities expenses, to include distribution based on the need and performance of the charter
schools, overall benefit to the surrounding community, amount of risk and availability of recourse to the State, and whether a particular charter school received facilities funding through other state funding, including grants-in-aid or a separate appropriation; and

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

BE IT RESOLVED by the [originating chamber] of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019, the [non-originating chamber] concurring, that the State Public Charter School Commission is requested to report on the criteria developed by the Commission, and prioritization advised by the Charter School Facilities Funding Working Group, for charter school facilities funding pursuant to section 302D-29.5, Hawai'i Revised Statutes; and

BE IT FURTHER RESOLVED that the State Public Charter School Commission, with input from the Charter School Facilities Funding Working Group, is requested to provide any proposed legislation and recommendations, including any recommendations related to funding expenditures for lease and rental payments under section 302D-29.5, Hawai'i Revised Statutes; and

BE IT FURTHER RESOLVED that the State Public Charter School Commission is requested to submit its report, and any proposed legislation and recommendations, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2020; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Chairperson and Executive Director of the State Public Charter School Commission, the Chairperson of the Board of Education, the Director of Budget and Finance, the Comptroller, the Superintendent of Education, and the Chairperson of the Board of Trustees of the Office of Hawaiian Affairs.
__C.R. NO. ____

OFFERED BY:__________________________________________

By Request