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GOVERNOR OF HAWAII



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LAND
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**TESTIMONY OF THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES**

ON

House Bill 1203– RELATING TO CHARTER SCHOOLS

**BEFORE THE HOUSE COMMITTEE ON
WATER, LAND, OCEAN RESOURCES AND HAWAIIAN AFFAIRS**

February 4, 2008

House Bill 1203 requires the Board of Land and Natural Resources (Board) to assist with identifying sites for new charter schools to use as facilities and appropriates funds for facility costs of new charter schools. The Department of Land and Natural Resources (Department) supports the intent of this bill, however, believes SECTION 2 of the measure requiring the Board's assistance is unnecessary.

Charter schools currently qualify for favorable treatment when leasing public lands under three different sections of the Hawaii Revised Statutes (HRS). Sections 171-43.1, 171-95(a)(2) and 171-95.5, HRS, allow the board to lease public lands to charter schools by direct negotiation without recourse to public auction. Moreover, since most charter schools are tax exempt eleemosynary organizations, Section 171-43.1, HRS, allows leases to those organizations to be issued at nominal consideration.

The Department is currently assisting two charter schools seeking leases on public lands and identifying potential locations for those organizations within their respective target areas. As an integral part of its land management function, the Department has always been supportive of other government agencies' need for suitable locations on public lands on which to carry out their respective missions and routinely provides information and assistance for such purposes. The Department, however, must be free to balance the respective needs of all agencies in allocating the State's limited public land resources pursuant to its public trust obligations. Education is only one of five public trust purposes that the Department must promote in performing its duties. It would be more effective and practical to allow the Department to continue supporting charter schools under its existing constitutional mandate without codifying an unnecessary directive that may in fact hinder its ability to carry out its public trust obligations in a fair and equitable manner.



HB 1203 RELATING TO CHARTER SCHOOLS
House Committees on Water, Land, Ocean Resources & Hawaiian
Affairs

February 4, 2008

8:30am

Room 312

Aloha Chairman Ito and members of the committee on Water, Land, Ocean Resources and Hawaiian Affairs. I am Clyde Namuo, Administrator to the Office of Hawaiian Affairs (OHA).

OHA is a supporter of the charter school movement, and has collaborated with the Kamehameha Schools and others in assisting the 13 Hawaiian-focused charter schools, where Native Hawaiians make up about 96% of the student population, and up to 40% at the other 15 charter schools in the state. This legislation advocates for the appropriate funding and the statutory amendments necessary to address the ongoing need for facilities for new century public charter schools.

Most of Hawai'i's start-up public charter schools are Hawaiian-focused charter schools. These schools lack sufficient funds for facility and infrastructure capital improvements and repair and maintenance costs. Difficulties in securing adequate long-term and affordable facilities that are academically appropriate are resulting in a financial crisis that threatens the long-term viability of Hawai'i's public charter school system.

In spite of these challenges and severe under-funding, Hawaiian-focused charter schools have demonstrated their effectiveness in serving our Hawaiian children to be more engaged and attain greater gains in the educational process as compared to their peers in conventional public schools. Our children are succeeding in the Hawaiian-focused charter schools because they are grounded in Hawaiian language, culture and values.

The Board of Trustees, the Administration and the staff of the Office of Hawaiian Affairs is committed to fulfill its education mission to facilitate culturally sound educational opportunities for Native Hawaiians by promoting academic success and life-long learning. To this measure, the Board of Trustees has authorized and allocated 6.6 million dollars over these last three years leveraging other potential resources to fund Hawaiian-focused public charter schools. In addition, OHA continues to receive supplemental grant requests for facility and capital improvement funding from individual charter schools.

In concert with countless other legislative initiatives this session concerning charter schools, HB 1203 aims to ensure that the state's public charter schools have access to state-held lands and buildings and that the state provide full facilities funding for all new century start-up public charter schools in Hawai'i (current FY2007-08 and FY 2008-09). Furthermore, HB 1203 urges the State Department of Land and Natural Resources to identify and lease or rent vacant state lands and buildings for use in

fulfillment of the educational and operational needs of public charter schools

It is not enough to make possible the opportunity for our children to attend charter schools. It is incumbent upon us to ensure that the learning environments we create for our children, and indeed for all children, must be reflective of the promising future that we envision for them and for our society.

The State is the largest stakeholder and is charged with the greatest responsibility or "kuleana" to make this possible. **OHA urges your support for this bill.** Mahalo nui loa for the opportunity to present this testimony.



KAMEHAMEHA SCHOOLS

Testimony to the House Committee on Water,
Land, Ocean Resources and Hawaiian Affairs
Hearing Date: Monday, February 4, 2008
8:30 a.m. – Conference Room 312

Shawn Malia Kana'iaupuni, PhD
Director, Public Education Support (PEdS) Division
Kamehameha Schools

Monday, February 4, 2008

Re: HB 1203 Relating to Charter Schools

Good morning Chair Ito, Vice Chair Karamatsu and the members of the House Committee on Water, Land, Ocean Resources & Hawaiian Affairs. My name is Shawn Malia Kana'iaupuni, PhD, Director, Public Education Support (PEdS) Division of Kamehameha Schools. Thank you for this opportunity to testify on HB 1203.

We believe that facility funding for charter schools is critically important for their success and that charter schools serve an essential role in the education of Hawaii's children.

Kamehameha Schools has been a collaborator in the charter school movement for more than six years now. As part of our Education Strategic plan, KS hopes to significantly impact more Hawaiian children ages 0-8 and grades 4-16+, and their families/ caregivers over the next five years, in collaboration with others whenever possible.

Currently, Kamehameha Schools collaborates with nonprofit tax-exempt organizations, including `Aha Pūnana Leo, OHA, KALO and Ho`okāko`o Corporation, to assist a total of 14 start-up and 3 conversion charters. Kamehameha Schools believes that this collaboration provides more positive educational choices and ultimately academic achievement for Hawaiian students. Through these collaborations, Kamehameha Schools currently assists more than 2,300 students in 13 communities statewide within the public education system.

In a recently released report entitled, "Longitudinal Outcomes for Hawaiian-focused charter schools," the Kamehameha Schools research team concluded that Hawaiian-focused charter schools are implementing viable educational strategies, making significant gains over time for the lowest-achieving students. Supporting and replicating the successful strategies found in Hawaiian-focused charter schools may generate a promising return on investment for Hawaiian education throughout the public school system.

Kamehameha Schools supports the intent of HB 1203 which is to provide a greater measure of support for charter schools.

We appreciate this opportunity to submit comments on HB 1203 and support the initiatives of the legislature to further enhance charter schools.