

Honolulu, Hawaii

APR 26 2010 , 2010

RE: S.B. No. 2589
S.D. 2
H.D. 1
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2589, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to require the Department of Education to give reasonable consideration to making available all or portions of school facilities to charter schools when it considers whether to close a public school.

Your Committee on Conference finds that Hawaii's charter schools have made significant advances while facing unique challenges, such as a lack of facilities and high facilities rental costs. This measure is cost-effective and presents charter schools with an opportunity to make use of buildings or facilities that are unused or underutilized by the Department of Education.



Your Committee on Conference finds that this measure should be further amended to provide for situations in which a charter school exclusively or jointly occupies or uses buildings or facilities of a public school immediately prior to converting to a charter school. Your Committee on Conference also finds that the growth of the charter school system has prompted a need for greater accountability by charter schools and more efficient management and administration of the system.

In accordance with these findings, your Committee on Conference has amended this measure by:

- (1) Inserting language to direct the Department of Education to give preference to instructional uses over administrative uses if it elects to use the facilities of a closing public school, rather than making it available for use by a charter school;
- (2) Requiring the Department of Education to submit a notice of vacancy to the Charter School Review Panel no later than thirty days after the establishment of the vacancy;
- (3) Upon the selection of a charter school to use a vacant school facility or portion of a school facility, requiring the Department of Education and the Charter School Review Panel to enter into necessary agreements within ninety days of the selection;
- (4) Inserting language to provide that if a charter school exclusively or jointly occupies or uses buildings or facilities of a public school immediately prior to converting to a charter school, upon conversion that charter school shall be given continued exclusive or joint use of the buildings or facilities, with certain exceptions;
- (5) Adding the following additional powers and duties to the Charter School Review Panel:
 - (A) Adopting a clear process and rigorous organizational and educational criteria, including student achievement as a significant factor, for the authorization and reauthorization of school charters;
 - (B) Evaluating each school charter, for the purpose of determining reauthorization, no later than four years



following the initial issue of a charter and every six years thereafter; and

- (C) Evaluating and investigating charter schools when concerns arise that necessitate the resolution or assistance with the resolution of legal, fiscal, health, safety, and other serious issues;
- (6) Allowing the Charter School Review Panel to authorize up to three new start-up charter schools for each existing accredited start-up charter school and one new start-up charter school for each start-up charter school whose charter is revoked or that voluntarily closes;
- (7) Requiring the Charter School Administrative Office to withhold not more than two per cent of the annual general fund allocation for its operational expenses, including salaries for its staff and Executive Director;
- (8) Requiring the Charter School Administrative Office to report annually to the Charter School Review Panel individual and aggregate expenditures of charter schools, clearly distinguishing between expenditures for operational and instructional purposes;
- (9) Clarifying the requirements of the general fund per-pupil request for each regular education and special education student, to align that statutory provision with the Administration's practice of excluding adult education and the After-School Plus program from the per-pupil calculation;
- (10) Making changes to charter school funding, including changes to the distribution of funds for charter schools, reporting requirements for enrollment estimates and actual enrollment counts, and the creation of the charter schools account as a separate account in the state treasury, to further encourage fairness in funding and the availability of resources to charter schools;
- (11) Revising the purpose section to reflect the changes in the measure;
- (12) Changing the effective date from July 1, 2050, to July 1, 2010; and



- (13) Making technical, nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2589, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2589, S.D. 2, H.D. 1, C.D. 1.

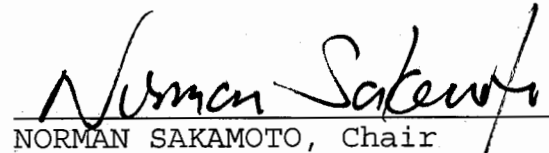
Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



ROY TAKUMI, Co-Chair



NORMAN SAKAMOTO, Chair



MARCUS R. OSHIRO, Co-Chair



DONNA MERCADO KIM, Co-Chair



Hawaii State Legislature

Record of Votes of a
Conference Committee

156-10

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|---|----------------------------------|
| Bill / Concurrent Resolution No.: SB 2589, SD 2, HD 1 | Date/Time: 4/23/10 4:20pm |
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

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| <input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure | <input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure. |
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| Senate Managers | A | WR | N | E | House Managers | A | WR | N | E |
|-----------------------------|----------|----------|----------|----------|----------------------------|----------|----------|----------|----------|
| SAKAMOTO, Norman, Chr. | ✓ | | | | TAKUMI, Roy M., Co-Chr. | ✓ | | | |
| KIM, Donna Mercado, Co-Chr. | ✓ | | | | OSHIRO, Marcus R., Co-Chr. | ✓ | | | |
| CHUN OAKLAND, Suzanne | | | | ✓ | NAKASHIMA, Mark M. | ✓ | | | |
| KIDANI, Michelle | ✓ | | | | YAMASHITA, Kyle T. | ✓ | | | |
| HEMMINGS, Fred | | | | ✓ | FINNEGAN, Lynn | | | | ✓ |
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| TOTAL | 3 | - | - | 2 | TOTAL | 4 | - | - | 1 |

A = Aye WR = Aye with Reservations N = Nay E = Excused

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| Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted |
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| Senate Lead Chair's or Designee's Signature: | House Lead Chair's or Designee's Signature: |
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