

SB328

DAVID Y. IGE
GOVERNOR



KATHRYN S. MATAYOSHI
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/02/2015

Time: 01:15 PM

Location: 229

Committee: Senate Education

Department: Education

Person Testifying: "Kathryn S. Matayoshi, Superintendent of Education"

Title of Bill: SB 0328 RELATING TO SCHOOLS.

Purpose of Bill: Authorizes each public school, at the discretion of the principal or principal's designee, to accept in-kind services in lieu of collecting fees and charges for the use of school facilities and grounds.

Department's Position:

The Department of Education (DOE) does not support this bill. While the DOE supports the authority of the school principal, there are no guidelines for the school principal, or designee, on how to determine the value of in-kind services. In many cases, it is necessary for someone with the proper expertise to determine in-kind values. For example, licensed architects or engineers are required to determine the value of work in construction projects. The DOE is concerned that principals will not have the necessary expertise to determine the fair value of an item and may agree to valuations that may not be sufficient to compensate the DOE for the associated costs to maintain its facilities as required by law. If the accepting of in-kind services is in lieu of paying for using the facilities, the DOE would then need to identify additional funding sources to cover associated repair and maintenance costs, utility bills, and custodial labor costs.

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: jim@jameshochberglaw.com
Subject: Submitted testimony for SB328 on Feb 2, 2015 13:15PM
Date: Friday, January 30, 2015 9:45:26 AM
Attachments: [2015-01-30 scanned testimony in support of SB 328 re public schools.pdf](#)

SB328

Submitted on: 1/30/2015

Testimony for EDU on Feb 2, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Hochberg	Individual	Support	Yes

Comments: While I do support SB328, I also support amending it to correct the Constitutional problems with the current policies on rental of public school facilities. Please see the attached letter sent in 2012 to A.G. Louie. Aloha, Jim Hochberg

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Honolulu, HI 96801

January 30, 2015

Senate Committee on Education
Hearing Monday February 2, 2015 at 1:15 p.m.
Conference Room 229, 415 South Beretania Street

Senate Committee on Education

Chair: Michelle Kidani

Vice Chair: Breene Harimoto

Members:

Suzanne Chun Oakland

Clarence K. Nishihara

Donovan M. Dela Cruz

Laura H. Thielen

Gilbert S.C. Keith-Agaran

Sam Slom

Ronald D. Kouchi

Re: Testimony in Support of SB 328

Dear Chair, Vice Chair and Members of the Senate Education Committee:

This testimony is submitted in support of SB 328.

I have been licensed to practice law in Hawaii since 1984. Since 1999 I have been an allied attorney with Alliance Defending Freedom (ADF), providing pro bono legal services in support of First Amendment Religious Liberties rights. In that capacity, I currently represent two churches, One Love Ministries and Calvary Chapel Central Oahu in a claim filed on behalf of the State of Hawaii by ex-resident atheist activists, Mitch Kahle and his significant other, Holly Huber. The essence of the claims is that in Kahle and Huber's view, these two churches did not pay adequate "rent" for use of public school facilities under Hawaii Revised Statutes Section 302A-1148 and other DOE regulations related thereto.

After Kahle and Huber made their position known to the churches involved, ADF and I sent the attached memorandum dated September 27, 2012, to then Attorney General David Louie, outlining our analysis of the State of Hawaii's ability under existing law across the country to recognize the value to the school of the efforts put forth by the churches in improving the facility and community. The recognition of this added value by the church could and should be set off against the rent charged in money.

In Section II of the attached memorandum, ADF and I explained that Hawaii should charge non-profits – including churches – affordable rents that may be below market rates. We explained that not only is it permissible for Hawaii to let churches use its public school buildings at below-

Senate Committee on Education

Hearing Monday February 2, 2015 at 1:15 p.m.

Chair: Michelle Kidani

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Members:

Suzanne Chun Oakland, Clarence K. Nishihara, Donovan M. Dela Cruz, Laura H. Thielen,
Gilbert S.C. Keith-Agaran, Sam Slom and Ronald D. Kouchi

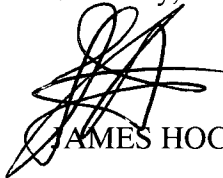
January 30, 2015

Page 2

market rates, doing so is beneficial to Hawaii and its citizens. This is true for a number of reasons. For instance, churches that meet in public school buildings oftentimes help with the upkeep of the property, especially when they are charged below-market rates. It is important to the churches that the buildings where they meet be kept looking nice and in good repair. Churches that are allowed to use school buildings for free or at significantly reduced rates oftentimes are eager to help with general issues of upkeep. Examples in Hawaii to date include the installation of air conditioning systems, sound and light systems, seating, grounds keeping, building painting and others.

While I support the intent of SB328 as written, a review of the attached Memorandum elucidates some Constitutional problems with the manner with which the DOE currently manages the public use of public school facilities. If this committee is interested in considering amendments to this bill to correct those issues, I would be happy to provide language to accomplish that. At this point, however, the bill as written is a great stride toward bringing Hawaii's management of use of public school facilities in line with Constitutional requirements.

Sincerely,



JAMES HOCHBERG

Attachment

JH/lz



September 27, 2012

The Honorable David M. Louie
Attorney General of the State of Hawai`i
425 Queen Street
Honolulu, HI 96813

Dear Mr. Attorney General:

Thank you for the privilege of meeting with you recently to discuss the implications of the First Amendment on Hawai`i's policies for renting its public school buildings to churches and other religious groups. We write this letter to follow up on a few points.

I. Hawai`i Can Rent to Non-Profits, Including Churches, at Below-Market Rates.

Nothing prevents Hawai`i from charging churches and other religious groups rent that is below market value for the privilege of using public school buildings, facilities, and grounds. The courts have made this principle abundantly clear. For instance, the Ninth Circuit Court of Appeals ruled that the government may lease property to religious organizations on the same terms as it leases to other tenants. *Christian Science Reading Room Jointly Maintained v. City and County of San Francisco*, 784 F.2d 1010 (9th Cir. 1986), *as amended*, 792 F.2d 124. In that case, an airport evicted a religious organization because it erroneously thought that renting to a religious tenant violated the Establishment Clause. *Id.* at 1011 and 1013. The Ninth Circuit ruled otherwise, holding that where the religious organization leased the property on the same terms as everyone else the Establishment Clause was not offended. *Id.* at 1015.

The implication of this Ninth Circuit decision is that if the State leases to other tenants at below-market rates, it may also lease to religious tenants at below market rates. The Fourth Circuit Court of Appeals has directly said as much. In a case called *Fairfax Covenant Church v. Fairfax County School Board*, 17 F.3d 703 (1994), the appellate court ruled that charging churches below market rental rates does not violate the Establishment Clause. *Id.* at 708. The court explained that charging churches below market rent is not a direct financial subsidy. *Id.* So the fact the State charges the churches below market rent cannot amount to an Establishment Clause violation, especially when there is no evidence that a private group would pay fair market value to rent the same property at the same time. *Id.* Such below-market rents posed no constitutional problem. *Id.*

Similarly, a federal district court confronted with this question held that there is no Establishment Clause violation where all groups, including churches, are charged the same below market rates to rent school buildings. *Gracepoint Church v. Jenkins*, 2006 WL 1663798 at * 5 (D. S.C. 2006). In that case, the court specifically noted that any argument that the government was “subsidizing religion” by charging churches below-market rates for the use of school buildings was “without merit.” *Id.*

These decisions are consistent with the Supreme Court’s Establishment Clause jurisprudence, which has consistently held that allowing religious people and organizations speakers to use public facilities on the same terms as other, non-religious people and groups does not violate the First Amendment. *See, e.g., Good News Club*, 533 U.S. 98, 112-14 (2001) (allowing Christian children’s club to use public elementary school building and facilities on same terms as other clubs does not violate Establishment Clause); *Lamb’s Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384, 394-96 (1993) (allowing outside group to use public school on same terms as other groups to show religious movie does not violate Establishment Clause); *Widmar v. Vincent*, 454 U.S. 263, 271-73 (1981) (allowing religious speakers to use public university rooms on same terms as other speakers does not violate Establishment Clause).

We are aware of no court holding that it is problematic for government to rent its buildings to churches at below-market rates, or that government must treat churches differently than others who rent its buildings. Rather, the courts have spoken with one, consistent voice: when the government charges some groups below-market rates for the use of its buildings, it must charge churches below-market rates, too. The failure to do so violates well-established principles of equal access. *See infra* at 3–4. Hawai`i lets many groups use its buildings for free. HAWAII ADMIN. RULES § 8-39-5(c). It does not violate the First Amendment’s Establishment Clause for Hawai`i to also let churches use school buildings for free. Rather, the First Amendment allows Hawai`i to charge churches what it charges other groups for rent, even if the charge is nothing.

II. Hawai`i Should Charge Non-Profits – Including Churches – Affordable Rents That May Be Below Market Rates.

Not only is it permissible for Hawai`i to let churches use its public school buildings at below-market rates, doing so is beneficial to Hawai`i and its citizens. This is true for a number of reasons. For instance, churches do good for their communities. They assist those needing help with donations of food, clothing, and financial assistance. They encourage healthy relationships, strengthening the bonds of marriage and family. They promote civility, ethics, and morality, thereby encouraging their congregants to be good citizens. They provide opportunities for people to connect with one another for fellowship and community, both on Sunday morning and oftentimes throughout the week. They frequently have activities for youth, providing positive opportunities for teens and encouraging them to stay out of trouble. All of these things are good for both the State of Hawai`i and its citizens.

Additionally, churches that meet in public school buildings oftentimes help with the upkeep of the property, especially when they are charged below-market rates. It is important to the churches that the buildings where they meet be kept looking nice and in good repair. Churches that are allowed to use school buildings for free or at significantly reduced rates oftentimes are eager to help with general issues of upkeep.

Many churches that want to meet in school buildings do not have adequate funds to purchase buildings of their own. Others have decided that they can more effectively benefit their communities by renting a building, thereby freeing up more funds for ministry activities (including helping those in need). Either way, Hawai'i can maximize the good churches can do for its citizens by allowing churches to use its public school buildings for free, just as it lets other community groups do.

III. Hawai'i's Current Rental Policy for Churches Is Constitutionally Problematic.

A. Hawai'i Denies Churches Equal Access On Equal Terms, Violating Freedom of Speech and Free Exercise Guarantees.

Hawai'i allows community groups to rent its public school buildings, facilities, and grounds for their events and activities. When the government opens its property to the public this way, it creates what is known as a forum for speech. *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 108 (2001). The government is allowed to reserve a forum it opens for speech consistent with the forum's purpose. *Id.* at 106. For example, if the government opened a forum for discussion about famous painters, it could exclude speakers who wanted to address topics that had nothing to do with famous painters. But it may not exclude speakers whose speech is consistent with the purpose of the forum simply because it does not like the viewpoint of the speaker. *Id.* So in our example about famous painters, while the government could exclude a speaker who wanted to talk about the implications of quantum physics, it could not exclude or discriminate against a speaker who wanted to talk about Rembrandt. That would be impermissible content and viewpoint discrimination.

This rule is consistent with one of the bedrock principles of First Amendment jurisprudence: "Above all else, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content." *Police Dep't of Chicago v. Mosley*, 408 U.S. 92, 95 (1972). Consequently, "discrimination against speech because of its message is presumed to be unconstitutional." *Prince v. Jacoby*, 303 F.3d 1074, 1091 (9th Cir. 2002) (quoting *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 828 (1995)). This is true even when the content of the speech is religious in nature. See, e.g., *Good News Club*, 533 U.S. 98, (2001) (school's exclusion of Christian children's club from meeting after hours at school based on its religious nature was unconstitutional viewpoint discrimination); *Lamb's Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993) (school district violated free speech clause of First Amendment by denying church equal access to school premises solely because film dealt with the subject from a religious standpoint);

Widmar v. Vincent, 454 U.S. 263 (1981) (excluding religious speakers from forum opened in a public school is unconstitutional).

When government opens a forum for speech, it must grant all speakers whose speech is consistent with the forum—including religious speakers—equal access on equal terms. Failure to do so violates the First Amendment’s freedom of speech guarantees. *See, e.g., Good News Club*, 533 U.S. 98, (2001) (school’s exclusion of Christian children’s club from meeting after hours at school based on its religious nature was unconstitutional viewpoint discrimination); *Lamb’s Chapel*, 508 U.S. 384 (1993) (school district violated free speech clause of First Amendment by denying church equal access to school premises solely because film dealt with the subject from a religious standpoint); *Widmar*, 454 U.S. 263 (1981) (excluding religious speakers from forum opened in a public school is unconstitutional).

Hawai`i opened a speech forum when it made its public school buildings, facilities, and grounds available “for public and community use.” HAWAI`I ADMIN. RULES § 8-39-1. Hawai`i did not restrict that forum to speech about only a particular topic, as in our example about famous painters. Rather, it opened the forum for general public and community use. It must therefore grant equal access on equal terms to all speakers, including religious ones.

Hawai`i, though, does not treat religious speakers the same as other speakers. While application of Hawai`i’s policy is not completely clear, it appears its policy is to allow all other non-profit community groups to use Hawai`i public school buildings for free so long as they do not charge for their event or collect an offering at it. Some non-profits are allowed to use the school buildings for free even when they charge or collect offerings. *Id.* §§ 8-39-3; 8-39-5. But churches are automatically required to pay rent, whether they collect offerings or not. Hawai`i’s rental policy states that any group, individual or church that “conducts meetings or services to promote a . . . religion” must pay rent and fees. *Id.* §§ 8-39-3; 8-39-5. This treats churches different than other organizations, failing to provide them equal access on equal terms as everybody else. This potentially violates the First Amendment’s freedom of speech guarantees.

It also violates the Free Exercise Clause. As just explained, Hawai`i has treated churches differently than all other similarly situated non-profits, which may avoid paying rent simply by foregoing charging money for, or collecting offerings at, events held on school property. Churches, though, are not offered an option to avoid paying Hawai`i rent. The Supreme Court has explained that “[t]he Free Exercise Clause protects against governmental hostility which is masked, as well as overt.” *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 534 (1993). When “[o]fficial action [] targets religious conduct for distinctive treatment[,]” the Free Exercise Clause is implicated. *Id.*

Furthermore, other non-profits collect various contributions or fees, perhaps on their websites, but churches that collect those same types of contributions through a freewill offering are treated dissimilarly. Under this scheme, religious uses are essentially singled out for unfavorable treatment because of the *manner* in which the organizations collect donations. Such policies targeting religious practice are likely unconstitutional. *Id.*

B. Hawai`i Treats Churches Differently Than Other Similarly Situated Tax-Exempt, Non-Profit Organizations, Violating Equal Protection Guarantees.

“The Equal Protection Clause of the Fourteenth Amendment commands that no State shall deny to any person within its jurisdiction the equal protection of the laws, which is essentially a direction that all persons similarly situated should be treated alike.” *City of Cleburne, Tex. v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985). Generally speaking, when the government distinguishes between persons that are similarly situated, the distinction will be upheld if the distinction is “rationally related to a legitimate state interest.” *Id.* However, when the disparate treatment affects First Amendment interests, the regulation will only be upheld when it passes much more stringent review. In such cases, the regulation must be “narrowly tailored” to a “legitimate objective,” which the Supreme Court has equated with strict scrutiny review. *Police Dep’t of Chicago v. Mosley*, 408 U.S. 92, 101 (1972).

Hawai`i’s rental policy allows some non-profits to charge for their services conducted on school property and still use the property for free, without paying rent. It specifically provides that “[s]tudent child-care activities conducted by non-profit organizations who have received tax exemption from the State department of taxation” do not have to pay rent to use school buildings even if they charge for their services. HAWAI`I ADMIN. RULES § 8-39-3. Yet churches, which are tax-exempt and which provide student child-care activities, must pay rent. This disparate treatment violates Equal Protection guarantees. It is difficult to imagine an interest to which this disparate treatment could be rationally related. It is impossible to imagine an interest to which this disparate treatment is narrowly tailored. This renders the distinction unconstitutional.

C. Churches Cannot Be Made to Change Their Practices To Receive Benefits Other Non-Profits Receive Without Potentially Violating Free Exercise Guarantees.

Even if churches were allowed to use the schools rent free, like other non-profits, if they stop collecting offerings, that will not necessarily solve the constitutional problems. While it might solve the Equal Protection defects, it would potentially violate free exercise guarantees.

Other community groups can raise as much money as they want from their members and yet still use Hawai`i’s school buildings without paying rent. They simply must bill their members for their dues and collect them off school grounds. So long as they do that, they can charge as much as they want for membership and still avoid paying Hawai`i rent for using school buildings for their meetings. This is true no matter how much money they raise. Hawai`i’s rental policy only requires non-profit community groups to pay rent when they collect money on school property. *Id.* § 8-39-3.

A labor organization, for instance, which raises money from its members through the imposition of regular, required dues, may use Hawai`i’s school buildings without charge for its

meetings, because it does not collect dues on school property. So may popular community groups like Weight Watchers or Zumba, so long as they bill their participants off school property. These organizations can charge as much money as they want and still use Hawai`i's schools without paying rent, so long as they do not charge admission on school grounds.

Churches, however, do not operate that way. In fact, most churches' sincerely held religious belief is that they should not charge set fees or dues for ministering to people. It would violate their doctrine to send dues invoices to those who attend their services. The way most churches support themselves is to allow those who attend to participate in a free-will offering. There is no set amount a person must give. In fact, they are not required to give anything at all. The offerings are completely voluntary, with no pressure being placed on the congregants to give. Furthermore, most churches' sincerely held religious belief is that the Bible teaches that churches should provide an opportunity for their congregants to participate in the free-will offering during each actual worship service. *See, e.g., 1 Corinthians 16:2* (instructing the church to take up offerings "on the first day of every week").

For a church to be able to use Hawai`i's school buildings without paying rent, as other similarly situated community groups do, the church would have to (1) send billing notices to its members and (2) forego collecting free-will offerings during their worship services. Requiring churches to conform in this way would potentially violate free exercise guarantees.

Conclusion

Hawai`i is allowed to rent to churches at below-market rates. In fact, the State is benefitted from doing so. And Hawai`i's current policy is constitutionally problematic. We therefore urge you to change your policy and allow churches to use your school buildings without charge as you allow most other non-profits to do. This change is allowed by the Constitution. It will be good for the State and its citizens. And it will solve the constitutional problems with Hawai`i's current system we have identified in this letter.

Please feel free to contact us if we can provide additional assistance.

Sincerely,



Joseph P. Infranco
Senior Counsel,
Vice President of Alliance Coordination
ALLIANCE DEFENDING FREEDOM
15100 N. 90th Street
Scottsdale, Arizona 85260

Sincerely,



James Hochberg, Attorney at Law
Suite 1201, Fort Street Tower
745 Fort Street mall
Honolulu, Hawaii 96813

The Honorable David M. Louie
September 27, 2012

7

cc:

Donald Horner, Chairman
Hawaii State Board of Education
P.O. Box 2360
Honolulu, HI 96804

Kathryn Matayoshi, Superintendent
Hawaii State Department of Education
P.O. Box 2360
Honolulu, HI 96804

Marvin Wong
Special Assistant to the Governor
415 South Beretania Street, 5th Floor
Honolulu, Hawai'i 96813

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: nredfeather@kohalacenter.org
Subject: Submitted testimony for SB328 on Feb 2, 2015 13:15PM
Date: Friday, January 30, 2015 9:49:36 AM

SB328

Submitted on: 1/30/2015

Testimony for EDU on Feb 2, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Redfeather	Hawaii Island School Garden Network	Comments Only	No

Comments: Recently one of the teachers in our Professional Development Cohort who teaches public school in Hilo, wanted to do a workshop for other teachers. We would be using her classroom and the school garden on a Saturday morning. She was told the charge would be \$250. That doesn't seem right.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: kukahikoe@gmail.com
Subject: Submitted testimony for SB328 on Feb 2, 2015 13:15PM
Date: Monday, February 02, 2015 10:21:21 AM

SB328

Submitted on: 2/2/2015

Testimony for EDU on Feb 2, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Eldean Kukahiko	Individual	Support	No

Comments: I am in support of this bill, wholeheartedly. This is a 'win-win" type of legislation that will immediately impact the better care of our schools and thus our keiki. Please pass this bill. Mahalo for allowing me to comment.

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Dear Sirs,

I'm writing concerning Bill SB 328. As Pastor of Amazing Grace Baptist Church I would like to voice my support of this bill. We currently pay to use the Cafetorium at Hanalei Elementary School for our services on Sunday morning and Thursday night. I took the Pastorate of Amazing Grace in 2014, but it is my understanding that they have been using this facility for almost 20 years. The current charge for usage is \$32 per hour plus utilities. We use the facility for 2.5 hours on Sunday morning and 1.5 hours on Thursday night. We are grateful to be able to use the facility, but as you can see this can be a sizeable charge for a small congregation. Our services are open to the public and we encourage everyone to attend. We also offer a class for the children which involves a story time, craft time and activity. We strive to be an asset to the community through our outreach. I hope that you will consider supporting Bill SB 328.

Sincerely,

Pastor George Milgrim

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: mshiga927@msn.com
Subject: Submitted testimony for SB328 on Feb 2, 2015 13:15PM
Date: Saturday, January 31, 2015 7:21:56 AM

SB328

Submitted on: 1/31/2015

Testimony for EDU on Feb 2, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Pastor Matt Higa	New Hope	Support	No

Comments: Aloha Senator Taniguchi, Mahalo for all that you do for the people of Hawaii! SB328 will greatly help our public schools and especially the students with much needed additional "outside" support. They will benefit the most from any and all in kind services, fees and charges. This is a "win-win" opportunity for our state!!

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To: [EDU Testimony](#)
Cc: ironsr001@hawaii.rr.com
Subject: Submitted testimony for SB328 on Feb 2, 2015 13:15PM
Date: Saturday, January 31, 2015 7:29:32 PM
Attachments: [CCCO Testimony Use of SCHOOLS 020215.pdf](#)

SB328

Submitted on: 1/31/2015

Testimony for EDU on Feb 2, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Rick Irons	Calvary Chapel Central Oahu	Comments Only	No

Comments: I support the intent of bill SB328. Concern Of the ADF lawyer Jim Hochberg is my concern as well.

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CALVARY CHAPEL

CENTRAL OAHU

95-500 Hokuula Loop. MILILANI, HI. 96789
(808) 625-0155 ,www.calvarychapelcentraloahu.com

PASTOR RICK IRONS

January 31, 2015

Senate Committee on Education
Hearing Monday February 2, 2015 at 1:15 p.m.
Conference Room 229, 415 South Beretania Street

Field Code Changed

Senate Committee on Education

Chair: Michelle Kidani

Vice Chair: Breene Harimoto

Members:

Suzanne Chun Oakland Clarence K. Nishihara Donovan M. Dela Cruz
Laura H. Thielen Gilbert S.C. Keith-Agaran Sam Slom Ronald D. Kouchi

Re: Testimony in Support of SB 328

Dear Chair, Vice Chair and Members of the Senate Education Committee:

This testimony is submitted in support of SB 328.

Greetings,

My name is Rick Irons. I have been the Pastor of Calvary Chapel Central Oahu for the last 25 years in Mililani. In 1990, my wife and I moved to Mililani to start CCCO. We lived on and raised our children on the North Shore of Oahu for 20years preceding this move. Our church on North shore had many central Oahu residents in it and a desire for a Calvary Chapel in Mililani was clear.

We started on July 15, 1990 at the YMCA in Mililani. We had 2 weeks there and then moved to Mililani Uka Elementary on Sunday Mornings for four and half years. At that time, we leased a Pre-School in Waipio Acres for three and half years. In May 1998 we began to use Mililani High School Cafeteria regularly on Sunday Mornings from 7am to 12:30pm.

We now pay \$4,495 for 4 Sundays, 7am-12:30pm for Cafeteria and 8 classrooms. The amount paid to Mililani High School in 2014 was \$56,332.98 for 50 Sunday Mornings.

During the years we have been there we have donated to the Mililani High School:

- *May/98- Purchased and mounted 6 Fans in Cafeteria- \$600
- *September/2008- Purchase and mounted 8 Fans- \$800
- *May/2002- 100 Chairs- \$2500
- *Dec/2002- Projection Screen- \$228
- *June/2005- Tables- \$4000
- *July/ 2011- 2 Air-Conditioners- \$3200
- *Minor Electrical Repairs- outlets, wiring, lights on stage
- *12' Ladder- \$250
- *Project Grad- \$500

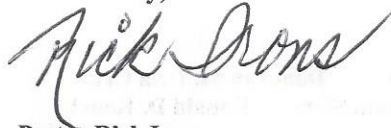
***Children's Festival-held for community on Halloween night over the years \$10,000 These investments in the school facilities were for the benefit of both CCCO on Sundays as well as the school community during all other times. It would have been wonderful to have received a discount of that amount from the rental charges. We would have been able to use those funds to further the mission of CCCO in Central Oahu. We think it would be equally wonderful for the churches' future use of schools if the principal of the public school have the discretion to incorporate the value the church brings to the school as compensation toward rent.**

CCCO's relationship with the M.H.S. has always been graciously good over all these years. Dr. Brummel had been the principal for the majority of our time at M.H.S. and was always hospitable to us. We have always paid promptly on agreed upon rent, always.

We have 150 adults and 100 children attending at this time. The use of our schools in Central Oahu has been critical in getting our church established.

We are very thankful for the use of our schools to make central Oahu a better place with better people. Jesus makes life on earth abundant in many ways, and we desire that for Central Oahu.

Sincerely,



Pastor Rick Irons

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: acardinesjr@gmail.com
Subject: *Submitted testimony for SB328 on Feb 2, 2015 13:15PM*
Date: Monday, February 02, 2015 10:11:43 AM

SB328

Submitted on: 2/2/2015

Testimony for EDU on Feb 2, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Allen	Individual	Support	No

Comments:

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