

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
CARTY S. CHANG
Interim Chairperson**

**Before the Senate Committee on
WAYS AND MEANS**

**Monday, March 2, 2015
9:00AM
State Capitol, Room 211**

**In consideration of
SENATE BILL 836, SENATE DRAFT 1
RELATING TO PUBLIC CHARTER SCHOOLS**

Senate Bill 836, Senate Draft 1 proposes to require State Departments, upon closure of facilities, to consider the facility's suitability for use by public charter schools or early learning pre-plus programs or for development of twenty-first century schools or mixed use facilities, and to notify the Department of Education, State Public Charter Schools Commission and the Executive Office on Early Learning of the availability and suitability of the facility. **The Department of Land and Natural Resources (Department) offers the following comments on the measure.**

The Department has concerns about the rulemaking requirement in the proposed amendment to Chapter 302D, Hawaii Revised Statutes (HRS), contained in SECTION 2 of the bill. The rulemaking requirement would be overly burdensome on the Department's limited personnel and financial resources, especially considering that there are well established statutory requirements already in place that address the intent of this measure. Set-asides to other government agencies via Governor's executive order are subject to Section 171-11, HRS, which requires review and approval by the Board of Land and Natural Resources in a sun-shined public meeting. Furthermore, as the Department's mission is the stewardship of the State's natural, cultural and recreational resources, it does not manage the type of facilities that are contemplated by this measure. Therefore, requiring the Department to engage in a rule-making exercise would ultimately be a fruitless endeavor.

CARTY S. CHANG
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DANIEL S. QUINN
INTERIM FIRST DEPUTY

W. ROY HARDY
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



SB836 SD1
RELATING TO PUBLIC CHARTER SCHOOLS
Senate Committee on Ways and Means

March 2, 20

9:00 a.m.

Room 211

*The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB836 SD1, which seeks to alleviate the unique financial burdens borne by start-up public charter schools, in meeting their facilities needs.*

Meeting start-up charter schools' facilities needs is a challenge for Hawai'i's public charter schools. Currently, start-up charter schools must pay for the costs of their facilities using their operational funds. This is a cost that is not borne by conversion charter schools, or schools under the Hawai'i State Department of Education. To address this disparity, SB836 SD1 makes certain proposals relating to the potential use of vacant state facilities by public charter schools. OHA believes that this innovative approach has the potential to relieve some of the significant financial burdens felt by start-up public charter schools, including Hawaiian-focused charter schools.

*OHA therefore urges the Committee to **PASS** SB836 SD1.*

Mahalo nui for the opportunity to testify on this measure.

DAVID IGE
GOVERNOR



CATHERINE PAYNE
CHAIRPERSON

STATE OF HAWAII
STATE PUBLIC CHARTER SCHOOL COMMISSION
(‘AHA KULA HO‘ĀMANA)

<http://CharterCommission.Hawaii.Gov>
1111 Bishop Street, Suite 516, Honolulu, Hawaii 96813
Tel: 808-586-3775 Fax: 808-586-3776

FOR: SB836 SD1 Relating to Public Charter Schools
DATE: Monday, March 2, 2015
TIME: 9:00 a.m.
COMMITTEE(S): Senate Committee on Ways and Means
ROOM: Conference Room 211
FROM: Tom Hutton, Executive Director
State Public Charter School Commission

Chair Tokuda, Vice Chair Kouchi, and members of the Committee:

The State Public Charter School Commission (“Commission”) appreciates the opportunity to submit this testimony in support of Senate Bill 836 SD1, “Relating to Public Charter Schools,” which would provide much needed facilities support for charter schools.

The need to address facilities costs for start-up charter schools is arguably the greatest unaddressed challenge for Hawaii’s chartering system. Currently, start-up charter schools must pay for the costs of their facilities from out of their already stretched operational funds.

We note that, as in past years, the Commission this year submitted proposed Capital Improvement Projects (“CIP”) as submitted from charter schools. The Commission has been instructed that eligibility for these requests is limited to start-up charter schools located on state land. These projects are not recommended for approval in the executive budget. If charter school CIP projects are not to be considered, in the Commission’s view it is all the more important that other means of providing at least some support to help meet our public charter schools’ facilities needs be considered.

This bill is one of several being considered by the Legislature that would provide facilities support to charter schools. SB 836 SD1 would require state departments to identify unused state properties that may be suitable for use by a charter school, a twenty-first century school, an early learning program, such as a pre-plus program, or another use by the Department of Education, and would set forth a process by which schools or early learning programs, through

the Commission, the Executive Office on Early Learning, and the Department of Education, might be authorized to use and occupy such facilities.

Provisions for actual financial support for charter school facilities that are similar to those that had been included in this bill as originally introduced are included in another measure now before this Committee, Senate Bill 849 SD1, which the Commission also strongly supports.

As a technical matter, the Commission recommends adding definitions of twenty-first century school and pre-plus program to this measure, as those terms currently are not defined in Hawaii's charter school statute, Chapter 302D, Hawaii Revised Statutes, which the bill would amend.

The Commission acknowledges the State's fiscal challenges. Nevertheless, we remain hopeful that among the various proposals currently in motion in the Legislature, a way can finally be found to make a start in addressing this longstanding problem.

Thank you for the opportunity to provide this testimony.