
HOUSE 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, HAWAII REVISED STATUTES.

1 WHEREAS, there are thirty-seven public charter schools in
2 Hawaii serving nearly twelve thousand students statewide; and
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4 WHEREAS, these public charter schools are part of the state
5 public education system under the authority of the Board of
6 Education and the State Public Charter School Commission; and
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8 WHEREAS, public charter schools provide unique and valuable
9 educational opportunities by exploring, developing, and
10 implementing innovative education strategies, such as the
11 integration of Hawaiian language, values, and history into
12 culturally enriched curricula; and
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14 WHEREAS, the role of public charter schools as "innovation
15 labs" for public education informs their potential to improve
16 education standards in schools throughout Hawaii's public
17 education system; and
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19 WHEREAS, there are two types of public charter schools in
20 Hawaii: start-up charter schools that must procure their own
21 operating facilities; and conversion charter schools that were
22 converted from traditional Department of Education schools with
23 pre-existing facilities; and
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25 WHEREAS, according to the State Public Charter School
26 Commission's past testimonies to the Legislature, lease or
27 rental payments constitute a substantial portion of the
28 facilities expenses incurred by public start-up charter schools,
29 who collectively spent over \$5,300,000 on rent or lease payments
30 for school facilities during the 2015-2016 school year; and



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 2 WHEREAS, during the 2016-2017 school year, both start-up
 3 and conversion public charter schools spent an approximate total
 4 of \$10,400,000 on rent and lease payments, repair and
 5 maintenance, and utilities payments; and
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7 WHEREAS, while section 302D-28, Hawaii Revised Statutes,
 8 mandates that the non-facility general fund per-pupil funding
 9 amount for public charter school students be equivalent to the
 10 non-facility general fund per-pupil base funding amount provided
 11 for traditional Department of Education schools, there is no
 12 provision to ensure equitable state funding for public charter
 13 schools' unique facilities expenses; and
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15 WHEREAS, accordingly, public charter schools, particularly
 16 start-up public charter schools, have had to use a significant
 17 amount of their already stretched per-pupil operational funds to
 18 pay for their facilities expenses; and
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20 WHEREAS, the lack of consistent state funding for public
 21 charter school facilities expenses may significantly limit their
 22 capacity to develop and provide innovative curricula for their
 23 students, as well as to serve as "innovation labs" for
 24 traditional Department of Education schools; and
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26 WHEREAS, section 302D-29.5, Hawaii Revised Statutes,
 27 requires the Legislature to consider making an appropriation and
 28 bond authorization to the State Public Charter School Commission
 29 for the: design, planning, construction, repair, and maintenance
 30 of public charter school improvements; expansion or improvement
 31 of instructional space; provision of food services; and
 32 provision of restroom facilities; and
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34 WHEREAS, despite the plain language of section 302D-29.5,
 35 Hawaii Revised Statutes, contemplating appropriations for the
 36 costs of instructional space, restroom facilities, and other
 37 improvements necessary or incidental to a public charter
 38 school's educational mission, questions have been raised
 39 regarding whether the scope of section 302D-29.5, Hawaii Revised
 40 Statutes, includes appropriations for lease or rental payments;
 41 and
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43 WHEREAS, section 302D-29.5, Hawaii Revised Statutes, tasks
 44 the State Public Charter School Commission to develop criteria



1 to determine the distribution of any funds appropriated for
2 public charter school facilities expenses, to include
3 distribution based on the need and performance of the charter
4 schools, overall benefit to the surrounding community, amount of
5 risk and availability of recourse to the State, and whether a
6 particular charter school received facilities funding through
7 other state funding, including grants-in-aid or a separate
8 appropriation; and
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10 WHEREAS, section 302D-29.5, Hawaii Revised Statutes,
11 further establishes a Charter School Facilities Funding Working
12 Group within the Department of Education, to act in an advisory
13 capacity to prioritize the allocation of general fund
14 appropriations and bond proceeds for public charter schools to
15 expend based on the criteria established by the State Public
16 Charter School Commission; and
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18 WHEREAS, the State Public Charter School Commission
19 Facilities Funding Workgroup submitted a report on March 11,
20 2019, to the President of the Hawaii State Senate and Speaker of
21 the Hawaii State House of Representatives; now, therefore,
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23 BE IT RESOLVED by the House of Representatives of the
24 Thirtieth Legislature of the State of Hawaii, Regular Session of
25 2019, the Senate concurring, that the State Public Charter
26 School Commission is requested to report on the implementation
27 of the criteria developed by the Commission, and prioritization
28 advised by the Charter School Facilities Funding Working Group,
29 for charter school facilities funding pursuant to section 302D-
30 29.5, Hawaii Revised Statutes, as described in the Facilities
31 Funding Working Group report; and
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33 BE IT FURTHER RESOLVED that the State Public Charter School
34 Commission is requested to include in its report information
35 relating to any recommended amendments to the criteria and
36 prioritization as described in the Facilities Funding
37 Workgroup's 2019 legislative report; and
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39 BE IT FURTHER RESOLVED that the State Public Charter School
40 Commission is requested to include in its report information
41 relating to the distribution to public charter schools of any
42 legislative appropriations made by the Thirtieth Legislature of
43 the State of Hawaii during the Regular Session of 2019 for
44 charter school facilities expenses; and



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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 a report with recommendations, including any proposed legislation and any recommendations related to funding expenditures for lease and rental payments under section 302D-29.5, Hawaii Revised Statutes; and

BE IT FURTHER RESOLVED that the State Public Charter School Commission is requested to submit its report 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 of the State Public Charter School Commission, the Executive Director of the State Public Charter School Commission, the Chairperson of the Board of Education, the Superintendent of Education, the Comptroller, the Director of Finance, and the Chairperson of the Board of Trustees of the Office of Hawaiian Affairs.

