

July 13, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2911

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith without my approval, House Bill No. 2911, entitled "A Bill for an Act Relating to Charter Schools."

The purpose of House Bill No. 2911 is to improve accountability for charter schools by amending section 302A-1184 (exemptions relating to new century charter schools), Hawaii Revised Statutes, to expressly subject them to (i) state land use laws and county laws, codes, and rules governing land use and public health and safety; and (ii) audit and inspection by the charter school administrative office.

Even though the Legislature created charter schools to "free [them] from statutory and regulatory requirements that tend to inhibit or restrict [their] ability to make decisions relating to the provision of educational services," "nurture the ideal of more autonomous and flexible decision-making at the school level," and "define[] a new approach to education that is free of bureaucratic red tape and accommodat[es] the individual needs of students, see Section 1, Act 62, Haw. Sess. Laws 77 (1999), since their creation, charter schools have had to struggle under laws that are unclear, incomplete, uncoordinated, and sometimes so oblique as to be unreasonable.

The confused state of the law has resulted in inadequate funding that is disbursed late. Few, if any laws have been enacted to give charter schools access to state material, equipment, and expertise that other state agencies enjoy. In fact, charter schools' access to state resources has been minimal. They have had no opportunity to benefit from economies

of scale, or the State's centralized processing systems. Instead, expenditures that charter schools should not have had to make, have had to be made - already stretched operating dollars have had to be used to pay for capital improvements, repair and maintenance, and many other expenses that individual state agencies ordinarily do not have to bear.

Questions and challenges have unnecessarily distracted the charter schools from fulfilling their purpose of providing alternative learning opportunities for the children of our community. Uncertainty has spawned litigation, and distracted several charter schools from implementing the Legislature's initial vision.

This bill does very little to relieve the inherent confusion and unfairness charter schools endure. The Attorney General has already advised that all state agencies, including public charter schools, are subject to the State's land use laws. There is already more than ample authority for the Board of Education, the Comptroller, and the Auditor to audit the accounts and operations of new century public charter schools.

Most distressingly, the bill compounds the unfairness charter schools already suffer by singling charter schools out from all other state agencies and subjecting them to county zoning ordinances with which other state agencies need not comply.

Charter schools deserve the Legislature's undivided attention. Without a comprehensive and coordinated overhaul of our charter schools laws, charter schools stand little chance of achieving their full potential.

For the foregoing reasons, I am returning House Bill No. 2911 without my approval.

Respectfully,

STATEMENT OF OBJECTIONS
HOUSE BILL NO. 2911
Page 3



LINDA LINGLE
Governor of Hawaii