TESTIMONY BY KALBERT K. YOUNG DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE STATE OF HAWAII TO THE HOUSE COMMITTEE ON FINANCE ON SENATE BILL NO. 2517, S.D. 2

March 28, 2014

RELATING TO CHARTER SCHOOLS

Senate Bill No. 2517, S.D. 2, authorizes the State Public Charter School

Commission to request the issuance of general obligation bonds from the Director of

Finance for the planning, construction, repair, and maintenance of public charter

school facilities and provides an unspecified appropriation for this purpose.

The Department of Budget and Finance does not take any position on the policy of issuing general obligation bonds for this purpose. For your information, charter schools already have the ability to request capital funding as part of the budget process through the proposed charter school programs budget submittal. The availability of general obligation bonds and/or funds for capital projects is competitive across all programs of the State - including, the Department of Education, the State Library System and the University of Hawaii, and every other program in the State.

In determining the appropriateness of general obligation bonds to any charter school, the Legislature should consider the following issues related to startup charter schools: a) the issuance of long-term debt (general obligation bonds) and the site control aspects of occupancy of a property consistent with the duration of this long-term debt; b) disposition of buildings and land back to State ownership should a

public charter school discontinue its operations; c) with limited general obligation bond capacity, the policy of giving priority to charter schools over other state programs; and d) the major financial commitment of funding capital improvements for start-up public charter schools as well as the recurring repair and maintenance costs associated with these facilities.



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: 586-3775 Fax: 586-3776

FOR: SB2517 SD2 Relating to for Charter Schools

DATE: Friday, March 28, 2014

TIME: 3:00 p.m.

COMMITTEE(S): House Committee on Finance

ROOM: Conference Room 308

FROM: Tom Hutton, Executive Director

State Public Charter School Commission

Testimony in support of SB2517 SD2

Chair Luke, Vice Chairs Nishimoto and Johanson, and members of the Committee:

The State Public Charter School Commission is pleased to submit this testimony in strong support of this measure, which would authorize the Commission to request the issuance of general obligation bonds from the Director of Finance and to allocate the proceeds for public charter school facilities needs.

The need to address facilities costs is arguably the single 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.

The Commission currently is implementing a Facilities Pilot Program for the awarding of funds to charter schools for relatively small-scale facilities projects and has allocated approximately \$680,000 of federal Impact Aid funds to this program from out of a temporary but sizable increase in such funds for the current fiscal year. Funds for the pilot program are planned for distribution around the beginning of the 2014 academic year.

Despite some controversy among some schools over this initiative, the Commission has seized the opportunity to move ahead, in an attempt to demonstrate that support for charter school facilities needs will prove a sound investment for the public, and, importantly, to allow the

system to work through legal and practical issues before any additional state funds are invested.

We note that this year, as in past years, the Commission also submitted on the schools' behalf capital improvement project (CIP) requests totaling some \$31 million. Eligibility for these requests is limited to start-up charter schools located on state land. We believe these projects to be meritorious, but, as in past years, so far they have not been included in the budget. The Commission recognizes that there have been questions regarding traditional CIP funding for charter schools and would welcome the opportunity to identify and work through those questions with the Legislature, the Department of Budget and Finance, and others.

In that regard, we particularly welcome the provisions of this legislation that (1) would create a charter school facilities funding working group, including the Director of Finance and the Chairs of the Senate Committee on Ways and Means and the House Committee on Finance, to determine criteria for and to prioritize the allocation of the bond proceeds to the schools, and (2) stipulate that public charter school facilities funded in whole or in part through the bond proceeds shall be owned by the State.

The Commission notes that another measure before this Committee, SB 2516 SD2, Relating to Facilities Funding for Charter Schools, would make a general fund appropriation for charter schools. We address this proposal in separate testimony, but to the extent that general obligation bond financing or traditional CIP funding would be unavailable for certain types of compelling charter school facilities costs, we would respectfully request that the Committee consider these two proposals to be complementary, rather than mutually exclusive.

In addition, the Commission also believes that a third proposal for charter school facilities previously reported out by this Committee remains worthy of continued consideration. HB 2576 HD1 SD1, Relating to Education, would make an appropriation for a charter school facilities costs but also would establish an income tax credit for taxpayers who make contributions to the development of charter school facilities and would authorize the use of funds for securing loans from private lending institutions for financially stable charter schools.

Finally, the Commission would like to acknowledge that the revised projections by the Council on Revenues complicate the prospects for these proposals. 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.





Friday, March 28, 2014 3:00 PM Conference Room 308

TESTIMONY TO THE HOUSE COMMITTEE ON FINANCE

RE: SB 2517 SD2- Relating to Charter Schools

Chair Luke, Vice Chairs Nishimoto and Johanson, and members of the Committee:

My name is Robert Witt, President and Chief Executive Officer of the Hawaiian Educational Council (HEC). In a partnership between HEC and the Polynesian Voyaging Society (PVS), Nainoa Thompson and I have founded the Mālama Honua Learning Center (MHLC), a public charter school committed to providing the students of Hawai`i a rigorous, values-based, and place-based education. MHLC stands to provide the community with a school dedicated to indigenous cultural values that nourish goodness; in addition to helping students develop into wise, compassionate navigators of their learning, lives and 21st century global world.

The purpose of our school is to perpetuate the legacy of the Worldwide Voyage (WWV). All of the invaluable lessons learned and knowledge gained over the course of the four-year voyage will reside at MHLC to benefit the students and teachers of Hawaii for many generations to come.

HEC is in strong support of SB 2517 SD2, a bill for an act which authorizes the state public charter school commission to request the issuance of general obligation bonds for charter school facilities needs.

HEC, as well as the Hawaii Association of Independent Schools (HAIS), an organization of which I am the Executive Director, believe in the public purpose of education and that families should have choices when it comes to the education of their children. Charter schools in Hawaii provide that option for our families who otherwise may not be able to find a regular public school that shares their educational values.

Charter schools currently receive less funding than their DOE counterparts for the education of their students and are left to their own devices to raise additional revenue to make up the difference. More importantly, charter schools must use these same operational funds to build new facilities or for the upkeep of their current ones, thereby stretching their already limited funds further.

Thank you for the opportunity to testify in strong support of this measure.

finance1

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 25, 2014 7:30 PM

To: FINTestimony

Cc: nhhdebbie@hotmail.com

Subject: Submitted testimony for SB2517 on Mar 28, 2014 15:00PM

SB2517

Submitted on: 3/25/2014

Testimony for FIN on Mar 28, 2014 15:00PM in Conference Room 308

Submitted By	Organization	rganization Testifier Position	
Debra Washburn	Individual	Support	No

Comments: My child's school "WHEA" deserves funding for their growth-this is a "passing" school and Kealekehe should not be rewarded for their failing school.

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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finance1

From: mailinglist@capitol.hawaii.gov

Sent: Wednesday, March 26, 2014 8:07 AM

To: FINTestimony

Cc: stevealt@hawaiiantel.net

Subject: Submitted testimony for SB2517 on Mar 28, 2014 15:00PM

SB2517

Submitted on: 3/26/2014

Testimony for FIN on Mar 28, 2014 15:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing	
Steven Alterman	Individual	Support	No	

Comments: Charter schools are succeeding in educating our children. We need these schools and your support in helping them grow.

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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finance8-Danyl

From: mailinglist@capitol.hawaii.gov

Sent: Wednesday, March 26, 2014 4:17 PM

To: FINTestimony

Cc: wheapcs@gmail.com

Subject: Submitted testimony for SB2517 on Mar 28, 2014 15:00PM

SB2517

Submitted on: 3/26/2014

Testimony for FIN on Mar 28, 2014 15:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing	
Curtis Muraoka	Individual	Support	No	

Comments: Aloha Chair Luke, Vice-Chairs Johanson and Nishimoto, and Esteemed Members of the Committee on Finance: As you well know, facilities support has been the greatest challenge for startup public charter schools like West Hawaii Explorations Academy. Despite nearly two decades as a consistently high-performing program, WHEA has operated on the thinnest of margins, parlaying \$300,000 of CIP provided pre-charter, to educate over 2,500 students (that's \$120 per student) at one of the most innovative and far-reaching public school programs in the nation. WHEA's Project-based Learning model puts forward over 30 student-driven projects every year, and WHEA's largest project, Aloha Kai, hosts over 1,500 visiting school children every year, primarily from Oahu DOE schools visiting the Big Island. Since 1994, Aloha Kai has served an estimated 28,000 visitors. As you consider varied types of support for your charter schools, please understand that the CS funding bills before you fulfill discreet niches of need. Neither one by itself is a panacea, but together they potentially address the majority of school situations. As you well know from your visit to WHEA last year, schools like ours are both needing and deserving of "Three Scoops of Aloha" on the menu of facilities funding. The most recent and tangible example of why the need for facilities is more urgent than ever is the new requirements of statewide testing, especially stricter ACT requirements. Our students take this high stakes test on picnic tables under tents because we lack facilities suitable to test large numbers within limited time frames. The day before testing, WHEA closed due to heavy rains and wind. If that had been test day, most students would not have shown up, and even if they did, we would not have enough space to follow ACT testing rules, and might have had our scores invalidated entirely. Please pass both SB2516 and SB2517, and continue to support HB2576. Mahalo Nui Loa for your consideration.

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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Hawaii State House of Representatives Committee on Finance

Representative Sylvia Luke, Chair Representative Scott Y. Nishimoto, Vice Chair Representative Aaron Ling Johanson, Vice Chair

Testimony In Support of SB 2517
Relating to Charter Schools

Honorable Sylvia Luke,

Mahalo for the opportunity to testify on SB 2517. The Ho`okāko`o Corporation is committed to excellence in public education through our work with conversion charter schools, which educate nearly 20% of Hawaii's charter school student population in grades Pre-Kindergarten through 12.

HC wishes to express support for SB 2517.

Hawaii's charter schools have accepted the challenge to provide public education opportunities to Hawaii's children to promote their academic achievement and ensure their success in school and in life. Through innovations, best practices, and operational efficiencies, and while remaining accountable for the same state and federal standards and requirements, charters are attempting to give its students an educational experience and learning environment beyond what district schools are providing. But, as a charter school community, we are asked to build quality public schools with fewer dollars per pupil than non-charter schools receive.

The cost of facilities construction, rental, maintenance and repair directly impacts and limits funds charter schools can access for student education. With instructional budgets already seriously under resourced, every dollar spent on facilities are funds taken directly from our classrooms.

Ho'okāko'o supports the intent of this bill to create a working group to determine criteria for and to prioritize the allocation of general obligation bond proceeds to the public charters schools.

We appreciate this opportunity to testify on behalf of this legislation, and urge the committee to vote in favor of SB 2516.

Mahalo.

Megan McCorriston, Executive Director Ho'okāko'o Corporation

Support SB 2517

I am in favor of the passage of SB 2517 – it is important that Charter Schools have the ability to procure funds for capital improvements. I believe that Charter Schools are at a distinct disadvantage with the current State supported system and that this would be a small step in helping support Charter Schools, which already do more with less.

Lawrence Levenson Kamuela, Hawaii 96743

Support SB 2517

I am in favor of the passage of SB 2517 – it is important that Charter Schools have the ability to procure funds for capital improvements. I believe that Charter Schools are at a distinct disadvantage with the current State supported system and that this would be a small step in helping support Charter Schools, which already do more with less.

Nancy Levenson

Kamuela, Hawaii 96743





House of Representatives Twenty-Seventh Legislature 2014 State of Hawai'i

TO: Honorable Sylvia Luke, Chair

Honorable Scott Nishimoto, Vice Chair Honorable Aaron Johanson, Vice Chair Members of the Committee on Finance

DATE: March 28, 2014

TIME: 3:00 p.m.

PLACE: Conference Room 308

Hawai'i State Capitol

FROM: Kamehameha Schools

RE: SENATE BILL 2517, SD2 RELATING TO CHARTER SCHOOLS

Chair Luke, Vice Chair Nishimoto, Vice Chair Johanson and members of the Committee,

Thank you for this opportunity to testify on SB 2517, SD2 relating to charter schools. Kamehameha Schools offers comments in support of authorizing the state public charter school commission to request the issuance of general obligation bonds from the director of finance and to allocate the proceeds for the design, planning, construction, repair, and maintenance of public charter school facilities. This bill creates a working group to determine criteria for and to prioritize the allocation of general obligation bond proceeds to the public charter schools. Further, this measure specifies that public charter school facilities funded through the proceeds of general obligation bonds are owned by the State and requires the state public charter school commission to report annually to the legislature. Additionally, this measure authorizes the issuance of general obligation bonds to the state public charter school commission.

Kamehameha Schools supports promoting the achievement and success of Hawai'i's public school students and, as such, has been a collaborator with the Hawai'i public charter schools for over a decade. Through our work with public charter schools, we hope to significantly impact more children and their families through education. We believe charter schools provide positive choices for education and ultimately enhance both achievement and engagement for students across Hawai'i.

Financial support for the charter school system is crucial in maintaining the services these schools provide. We ask that you help to provide our state's most innovative educators with the strong support and stable foundation they need continue their positive growth. We believe efforts to improve the public charter school system improve access to education and, ultimately, enhance education for all of Hawai'i's children.

Thank you for the opportunity to testify on this measure.





State of Hawaii, House of Representatives Committee on Finance

DATE: Friday, March 28, 2014

TIME: 3:00 pm.

PLACE: Conference Room 308, Hawaii State Capitol

Chair Luke, Vice Chair Nishimoto, Vice Chair Johanson and members of the Committee on Finance,

Re: SB2517 SD2 – Strong Support

Mahalo for the opportunity to testify on SB2517 SD2 Relating to Education. Hawaii Public Charter Schools Network (HPCSN) is committed to quality education for all public school students in Hawaii through our support of, and work with, Hawaii's public charter schools. The number one priority for HPCSN this legislative session is to help make progress to address the financial challenges, most especially with facilities, that exist for Hawaii's public charter schools. Our objectives are:

- 1) to gain facilities funding/support for charter schools in a variety of scenarios;
- 2) to reassure legislators that the charter accountability system is fair, strong and getting stronger;
- 3) to make reasonable and incremental progress on facilities funding; and,
- 4) during the process, to provide transparency and good data to help inform decisions.

This bill authorizes the state public charter school commission to request the issuance of general obligation bonds from the director of finance and to allocate the proceeds for the design, planning, construction, repair, and maintenance of public charter school facilities.

In 2005 the Legislative Reference Bureau in its report entitled, *On the Level? Policy, Law and the Charter School Movement* stated, "Unlike their public school, conversion school, and school-within-school counterparts, start-up schools must rent or build facilities, or ask the public to donate facilities, or both. The cost of building public schools is usually spread out over twenty years through the issuance of general obligation bonds. Neither the BOE, the HIDOE, nor individual public schools, are responsible for debt service—or the payment of principal and interest on these bonds. These bonds are the responsibility of the State, and are backed by it's the full faith and credit (i.e., taxing power)." Some

charter schools have facilities on state land and have access through the normal CIP process - others do not (see attachment).

Solutions are not easy given the state's many priorities for funding. This bill is one part of a small group of bills to address funding and facilities support for charter schools. Previously, stumbling blocks would be identified during discussions that would stop progress instead of work toward solutions. Now, the DOE, BOE, Dept. of Budget and Finance, State Public Charter School Commission and charter schools, through an informal working group, expressed their willingness to work through these challenges. HPCSN strongly supports the following bills as they relate to funding and facilities support:

- SB2516/HB2438 is funded by general funds and has the flexibility to provide facilities funding to charter schools that are currently not on state land. This solution also moves from previous efforts to obtain per pupil facilities funding to all charter schools to a more nuanced process that considers charter school performance and need.
- SB2517 proposes to address a more consistent way to fund charter school facilities for charter schools on state land.
- SB2518/HB1789 adds a line item to the state budget separate from the charter school per pupil
 funding to acknowledge the significant and growing responsibilities of each and every charter
 school governing board since the passing of Act 130 SLH of 2012. The charter school governance
 structure is very different from the HIDOE model. This will allow charter schools additional funds
 to start to build a shared system of supports that charter schools lost when the Charter School
 Administrative Office was eliminated.
- HB2576 proposes a special fund and a tax credit system to support charter school facilities.

Attached is additional information that might be helpful to the decision making process.

Mahalo for your support of Hawaii's public students, their families and public charter schools.

Lynn Finnegan

Executive Director

Attachments

Charter Schools Facilities Bills

Disclosure: Confirmation of data is in progress with schools.

			SB2517	SB2516/ HB2438	HB2576
			CIP (G.O. Bond)	Facilities Pilot (Gen Funds)	Tax Credit/ Special Fund
	Lease	Kawaikini, Kekaha+, Kanuikapono, Halau Ku Mana, ULS, Hakipuu, Ka Waihona,	Р	А	А
On state land	USDA loan	Kamakau, WHEA~+, Kanu o ka Aina, Volcano ~+	Р	А	А
	Conversions	Kualapuu, Lanikai^, Waialae^, Kamaile, Waimea Middle^, Lapahoehoe	Р	А	А
Not on state	Lease	Kihei, KANAKA, MBTA, HTA, Voyager, Halau Lokahi, Connections+, Na Wai Ola, Kua o ka La, HAAS, SEEQS		Р	А
	USDA loan	Kona Pacific, Innovations.		Р	А
Facilities are on both on state land and not on state land		Nawahi	А	Р	А
Checking status		Ka Umeke, Laahana		Α	Α

Note: Leases could be held by non-profit, school enters lease with non-profit Blue = Checking/verifying with schools

P = Priority

A = Applies

+ Received GIA

^ Received CIP and/or upgrades through the DOE system

~ USDA in process

McKeague and Roberts. Memo to Karen Street – Chair Hawaii Public Charter Schools Commission, CSAO, Honolulu, HI 11 October 2012.

Attachment 2

Lump-sum Funding Request For Facilities

Act 130 Section 3(b)(1) provides the following with respect to a needs based facilities funding request:

"... in preparing the budget request with regard to needs-based facilities funding, the executive director shall ensure that, as a budget item separate from other operating costs, the request is accompanied by a detailed explanation of the formula used and a funding request breakdown by school;"

On September 17, 2012 the CSAO distributed an email to all charter schools requesting that they submit to the CSAO their projected facilities related expenses for FB13-15. The email included a spreadsheet for each charter school to use in providing their projected facilities expenses to the CSAO. The CSAO requested that charter schools provide all projected facilities related expenses, including utility costs, maintenance costs, custodial costs, etc.

The following table summarizes the data that was submitted by the charter schools. Four schools did not respond to the CSAO's request, for those four schools their projected facilities related expenses were estimated by the CSAO using actual FY11-12 facilities costs. The data was summarized into three different columns for each year: Projected lease/rental of building and grounds costs; adjusted projected facilities expenses and total projected facilities expenses. The CSAO has based the lump-sum facilities budget request on the adjusted facilities expenses columns.

The column labeled Rental/Lease of Building and Grounds is the most restricted of the columns. It reports only projected lease/rental of facilities costs as reported by the charter schools. The column labeled Adjusted Proj. Facilities Expenses includes rental/lease of buildings and grounds plus rental/lease of building/grounds equipment, depreciation of equipment and buildings and maintenance of building and grounds. The total projected facilities expenses column also includes projected utilities, maintenance and operations salaries and custodial supplies expenses.

This request is described as a "lump-sum" request because many of the charter schools, should this item be funded, would like to further develop a more precise distribution methodology different from the projected expense amounts per the attached schedule. The charter schools, with the HPCSN and the CSAO have not developed a methodology at the time this request was prepared. However, there is precedence for this based on the distribution methodology used in FY 10-11 and 11-12 for the small carve out funding for facilities in those fiscal years. Any distribution methodology so developed would be subject to Commission approval.

Attachment 2

5500 1110		Reported Projected Facilities Expenses FY13-14			Reported Pr	rojected Facilities Exp	enses FY14-15
School Name	ORGID	Rental/Lease of Building & Grounds	Adjusted Proj. Facilities Expenses FY 13-14	Total Projected Facilities Expenses FY 13-14	Rental/Lease of Building & Grounds	Adjusted Proj. Facilities Expenses FY 14-15	Total Projected Facilities Expenses FY 14-15
Waialae-PCS	149	\$0	\$3,500	\$316,634	\$0	\$3,710	\$335,632
Kamaile	275	1	50,000	705,000		50,000	750,000
*Lanikai-PCS	320	39	15,034	178,468		15,034	178,468
Laupahoehoe Community PCS	377		64,000	420,513		69,120	334,604
Waimea Mid-PCS	394		25,000	218,494		25,000	221,605
Connections-PCS	396	501,600	549,900	971,300	501,600	549,900	971,300
Kanu O Ka'aina-PCS	397	537,500	582,500	786,000	537,300	583,300	790,000
Waters of Life-PCS	398	29,050	64,050	119,595	29,050	65,396	125,990
West Hi Explor-PCS	399	10,000	29,000	221,869	70,000	110,000	393,369
Kualapuu-PCS	411			298,614			275,614
KANAKA - PCS	466	45,000	69,000	103,100	45,000	69,000	103,700
Halau Ku Mana-PCS	540	300	399,878	521,898	300	399,878	521,898
Voyager-PCS	541	643,600	697,300	717,500	669,800	724,800	746,000
Halau Lokahi NC-PCS	542	321,780	334,280	434,588	321,780	334,280	434,588
Educ Lab: A Hawaii NC-PCS	543	100,000	125,000	125,000	100,000	125,000	125,000
Myron Thompson Acad-PCS	544	371,798	442,298	481,298	385,487	455,987	494,987
*Ka Waihona O Ka Naauao-PCS	545		298,257	895,247		298,257	895,247
Hakipu'u Learning Ctr-PCS	546	17,021	53,181	80,681	18,000	56,000	84,000
Ke Kula O Kamakau Lab-PCS	547	144,105	174,447	385,617	144,105	174,447	416,517
Innovations-PCS	548	360,000	395,000	560,000	360,000	395,000	\$60,000
Ke Ana La'ahana-PCS	549	15,000	29,000	127,000	17,250	33,450	142,150
Hawaii Technology Academy	551	295,000	598,800	830,800	309,750	615,350	833,250
Kihei-PCS	554	816,000	1,139,000	1,454,000	900,000	1,240,000	1,574,000
Ke Kula Ni'ihau Kekaha-PCS	556	00 100 70 00 10 2 =	42,200	96,555	-	43,500	272,450
Kua O Ka La-PCS	557	147,615	153,615	225,115	167,615	179,615	270,115
Volcano Sch of A&S-PCS	560	36,918	66,918	198,268	38,764	70,265	208,183
Hi Academy of A&S-PCS	561	365,000	469,000	803,000	385,000	496,000	850,500
Ka 'Umeke Ka'eo-PCS	562	207,420	231,420	379,965	207,420	231,420	391,815
*Ke Kula Nawahi Iki Lab-PCS	563	133,632	162,246	358,347	133,632	162,246	358,347
*Kanuikapono-PCS	564	1,690	8,434	50,038	1,690	8,434	50,038
Kawaikini	565	72,000	95,400	132,400	72,000	95,400	132,400
Kona Pacific	566	167,100	189,100	243,178	167,100	189,100	243,178
TOTALS		\$5,339,129	\$7,556,758	\$13,440,082	\$5,582,643	\$7,868,889	\$14,084,945

^{*} These schools did not submit estimated FY 14 & FY15 facilities related costs. Therefore, their estimated costs were based on actual FY11 facilities costs.