

# SCR195 / SR130

Measure Title:

REQUESTING THE DEPARTMENT OF EDUCATION, STATE PUBLIC CHARTER SCHOOL COMMISSION, AND HAWAII PUBLIC CHARTER SCHOOLS NETWORK TO DEVELOP A PLAN TO COMMISSION A NEW STUDY SUGGESTING UPDATES TO THE SCHOOL IMPACT FEE FORMULA AND DIFFERENTIATING THE LAND REQUIREMENT FOR GREENFIELD AND BROWNFIELD DEVELOPMENT.

Report Title:

Department of Education; School Impact Fees; Transit-Oriented Development; State Public Charter School Commission; Hawaii Public Charter Schools Network

Description:

Companion:

Package: None

Current Referral: EDU/WTL, WAM

Introducer(s): DELA CRUZ, Kidani

DAVID Y. IGE  
GOVERNOR



CATHERINE PAYNE  
CHAIRPERSON

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

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FOR: SCR195 / SR130 Requesting the Department of Education, State Public Charter School Commission, and Hawaii Public Charter Schools Network to Develop a Plan to Commission a New Study Suggesting Updates to the School Impact Fee Formula and Differentiating the Land Requirement for Greenfield and Brownfield Development

DATE: Wednesday, April 1, 2015

TIME: 1:25 p.m.

COMMITTEE(S): Senate Committee on Education  
Senate Committee on Water and Land

ROOM: Conference Room 229

FROM: Tom Hutton, Executive Director  
State Public Charter School Commission

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Chairs Kidani and Thielen, Vice Chairs Harimoto and Galuteria, and members of the Committees:

The State Public Charter School Commission appreciates the opportunity to submit this testimony in support of the intent of this resolution, which would request the Department of Education (“DOE”), the Commission, and Hawaii Public Charter Schools Network to:

1. Develop a plan to commission a new study for the purposes of suggesting updates to the school impact fee formula and differentiating land requirements for greenfield and brownfield development;
2. Establish criteria for identifying appropriate locations for vertical school development, including the use of space in a privately owned building; and
3. Submit a report of their findings and recommendations, including any proposed legislation and any appropriation request necessary for the completion of the study, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2016.

The Commission defers to the DOE as to these specific proposals as they relate to land use and impact fee matters that are beyond the Commission's expertise. We do welcome and stand ready to participate in collaborative efforts to develop innovative and alternative ways to address public school facility needs in Hawaii, especially given the facilities challenges for public charter schools.

Thank you for the opportunity to provide this testimony.

**Date:** 04/01/2015

**Time:** 01:25 PM

**Location:** 229

**Committee:**

**Department:** Education

**Title of Resolution:** SCR 195 REQUESTING THE DEPARTMENT OF EDUCATION, STATE PUBLIC CHARTER SCHOOL COMMISSION, AND HAWAII PUBLIC CHARTER SCHOOLS NETWORK TO DEVELOP A PLAN TO COMMISSION A NEW STUDY SUGGESTING UPDATES TO THE SCHOOL IMPACT FEE FORMULA AND DIFFERENTIATING THE LAND REQUIREMENT FOR GREENFIELD AND BROWNFIELD DEVELOPMENT.

**Purpose of Resolution:**

**Department's Position:**

The Department of Education (DOE) supports the intent of SCR 195, which proposes to develop a plan to commission a new study for the purposes of suggesting updates to the school impact fee formula, and differentiating land requirements for "greenfield" and "brownfield" development. The Department respectfully requests an amendment to the existing language.

The Resolution also requests the following:

- Establish criteria for identifying appropriate locations for vertical school development.
- Establish that vertical school development is not limited to construction of a new Department of Education school, but may also include the use of space in a privately owned building.
- A report of their findings and recommendations, including any proposed legislation, be submitted to the Legislature no later than twenty days prior to the convening of the Regular Session of 2016.

The DOE can collaborate with the State Public Charter School Commission and the Hawaii Public Charter Schools Network in addressing issues such as public-private partnerships; differentiating land requirements for development; and establishing criteria for vertical school location. However, the DOE's school impact fee program does not involve charter schools. Fees collected from residential developers must be used to expand public school capacity in the school service areas where they are collected. Charter schools do not have school services areas. Impact fees cannot be spent to expand charter school facilities, public or private.

The DOE understands and recognizes the need to be "pro-active" in planning for new school facilities in and around the proposed transit corridor on Oahu. Unlike "greenfield" developments, the DOE must identify and secure sites for new school facilities, especially in areas planned for future growth. The DOE is currently reviewing the impact fee laws to determine how best to assess new residential developments within the transit corridor.

There are many new issues when assessing how to site and construct new school facilities in dense urban settings. The lack of available government-owned land at each of the 21 transit stations will require some type of fee or lease acquisition for the site. It will also require a smaller foot print and more vertical construction that will be entirely different from what the DOE has been tasked with in the past.

As these types of challenges are new for the DOE, it may be more appropriate for the legislature to provide funds to allow the DOE to assess the various options available for locating and constructing new school facilities in urban in-fill areas. This would also allow the DOE to supplement its existing staff and resources rather than divert existing staff and resources for this effort.

Finally, we understand that in general, the term "brownfield site" means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. The added complexity of dealing with a contaminated site may detract from the focus of the resolution. The DOE requests that, for this effort, the focus should be on updating the impact fee formula for urban in-fill areas and avoid "brownfield sites".

Thank you for the opportunity to express our views on this matter.